STATE OF CALIFORNIA – DEPARTMENT OF CORRECTIONS AND REHABILITATION
AND
CALIFORNIA PRISON HEALTH CARE RECEIVERSHIP

NOTICE OF DETERMINATION

TO: OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 212
SACRAMENTO, CA 95814

FROM: CA DEPARTMENT OF CORRECTIONS AND REHABILITATION
1515 S STREET, SUITE 502S
SACRAMENTO, CA 95814

CA PRISON HEALTHCARE SERVICES
P.O. BOX 4038
SACRAMENTO, CA 95812-4038

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

PROJECT TITLE:

Paso Robles Property Master Reuse Plan

STATE CLEARINGHOUSE NUMBER:

2009101039

PROJECT LOCATION:

4545 Airport Road
Paso Robles, California
San Luis Obispo County

DEPARTMENT CONTACTS:

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Environmental Services Branch
CDCR Facilities Division
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Prison Health Care Services
State of California
P.O. Box 4038, Suite 100
Sacramento, CA 95812-4038
(916) 323-1738

PROJECT DESCRIPTION:

The Project has four elements, as follows:

Estrella Level II Adult Correctional Facility. This proposed facility would reuse buildings and infrastructure of the former DJJ facility to house up to a maximum of 1,000 adult inmates. Approximately 900 of these inmates would be classified as medium security or Level II. No higher security-level inmates would be housed at the proposed Estrella Adult Correctional Facility (Estrella Facility). Some additional new construction would be necessary to provide a full

adult facility with an upgraded secure perimeter. The balance of the inmates to be housed at the Estrella Facility (approximately 100) would be classified as minimum security or Level I. All CDCR correctional facilities utilize Level I minimum security inmate crews for maintenance and support activities. Level I inmates typically may work outside of the secure perimeter; while Level II inmates also often perform maintenance and support services, these inmates would not be allowed outside the secure perimeter on work crews.

Central Coast Regional Secure Community Reentry Facility. CDCR proposes to construct and operate a 500-bed secure reentry facility on this property. The male inmates housed at this facility would be within 6-12 months of parole. The reentry facility would provide programs to assist in the successful transition of these inmates back into their county of last legal residence. The proposed Central Coast Regional Secure Community Reentry Facility would only serve inmates to be paroled to the counties of San Luis Obispo, Santa Barbara, and San Benito. CDCR reentry facilities are limited to a maximum of 500 inmates, per Penal Code Section 6271(a).

CAL FIRE Los Robles Conservation Camp Reactivation and Construction. The existing CAL FIRE facility would be reactivated to provide wildland fire protection and maintenance services as a result of the implementation of the Project. Reactivation of the former institution-based DJJ camp would be achieved through the use of crews provided from the approximately 100 Level I minimum security inmates to be housed at the proposed adjacent Estrella Adult Correctional Facility. The Master Reuse Plan also identifies an area in and immediately adjacent to the existing CAL FIRE support complex for the future construction and operation of a permanent stand-alone 130-bed conservation camp. Once constructed, CAL FIRE would no longer need to depend on the use of inmate crews from the Estrella Facility. The full stand-alone camp would require the addition of support facilities such as inmate and staff living quarters, food service, training rooms, visitation areas, and administrative buildings.

On-site Habitat Restoration Area. Approximately 10–15 acres located in the southwestern portion of the CDCR property are proposed to be used as a habitat restoration area. This area would be restored to provide land for permanent tree replacement plantings for those trees to be removed from the CDCR property by the Project, and also could provide a place for other on-site habitat restoration.

This is to advise that CDCR approved the above-described project on December 29, 2010, and has made the following determinations regarding the project, pursuant to CEQA Guidelines Section 15164:

1. The subject project will have significant effects on the environment.
2. An EIR was prepared and certified for the Paso Robles Master Reuse Plan (SCH No. 2009101039) pursuant to the provisions of the California Environmental Quality Act.
3. Mitigation measures were made a condition of the approval of the subject project.
4. A Mitigation Monitoring and Reporting Program was adopted for the subject project.
5. A Statement of Overriding Consideration was adopted for the subject project.
6. Findings were made pursuant to the provisions of the California Environmental Quality Act for the subject project.

This is also to advise that the California Prison Healthcare Receiver concurs in the Secretary's approval of the operation of those portions of the Estrella Level II Adult Correctional Facility and the Central Coast Regional Secure Community Reentry Facility for which he has oversight authority on December 29, 2010, and has made the following determinations regarding the project, pursuant to CEQA Guidelines Section 15164:

1. The subject project will have significant effects on the environment.
2. An EIR was prepared and certified for the Paso Robles Master Reuse Plan (SCH No. 2009101039) pursuant to the provisions of the California Environmental Quality Act.
3. Mitigation measures were made a condition of the approval of the subject project.
4. A Mitigation Monitoring and Reporting Program was adopted for the subject project.
5. A Statement of Overriding Consideration was adopted for the subject project.
6. Findings were made pursuant to the provisions of the California Environmental Quality Act for the subject project.

This is to certify that the final EIR with comments and responses and the record of project approval are available to the general public at: 9838 Old Placerville Road, Suite B, Sacramento, California.

Date Received for Filing:

MATTHEW CATE, Secretary
California Department of Corrections and Rehabilitation

J. CLARK KELSO, Receiver
California Prison Healthcare Receiver

RESOLUTION OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ADOPTING THE CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE PASO ROBLES PROPERTY MASTER REUSE PLAN

WHEREAS, the California Department of Corrections and Rehabilitation (CDCR) is the lead agency, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) and State CEQA Guidelines (Cal. Code Regs., tit. 14 § 15000 *et seq.*), for the proposed Paso Robles Property Master Reuse Plan (the "Project"), to be located in the City of Paso Robles, California;

WHEREAS, the Project includes four components: 1) conversion of the now-closed Division of Juvenile Justice El Paso de Robles Youth Correctional Facility to a Level II Adult Correctional Facility (Estrella Facility); 2) construction of a Secure Community Reentry Facility; 3) reactivation and subsequent construction of a stand-alone 130-bed CAL FIRE Los Robles Conservation Camp; and 4) use of the southwestern corner of the CDCR property for habitat restoration;

WHEREAS, CDCR has coordinated and cooperated with the Office of the Federal Receiver, Mr. J. Clark Kelso, in planning the Project to include necessary medical and mental health care facilities within the Project;

WHEREAS, the Project will house a maximum of 1,630 adult inmates if the Level II, reentry, and stand-alone conservation camp projects are all implemented; these would all serve to alleviate overcrowding in California's prison system, reduce inmate recidivism, and reactivate presently unused state correctional facilities;

WHEREAS, on October 8, 2009, CDCR filed a Notice of Preparation of the Environmental Impact Report for the Project, and held two public scoping meetings in Paso Robles on October 21, 2009;

WHEREAS, CDCR released a Draft Environmental Impact Report (DEIR) for the Project on August 16, 2010, and provided a 45-day public review period. On September 20, 2010, CDCR held two public hearings in Paso Robles;

WHEREAS, CDCR received 11 written and oral comments on the DEIR from organizations, individuals, and public agencies;

WHEREAS, on December 7, 2010, CDCR released the Final EIR for the Project (SCH # 2009101039). The Final EIR includes the responses to comments on the DEIR, and corrections and revisions to the DEIR, plus an attached technical appendix. The Final EIR incorporates the DEIR by reference; and identifies no new significant information or new significant impacts;

WHEREAS, the Final EIR, including the DEIR, identifies the significant environmental impacts of the Project, identifies feasible mitigation measures to reduce most impacts to a less than significant level, and identifies some impacts that cannot be mitigated to a less than significant level;

WHEREAS, the Secretary of CDCR has, by means of a Resolution dated December 29, 2010, certified that the Final EIR was prepared in full compliance with the terms of CEQA and the State CEQA Guidelines, was considered and reviewed by CDCR prior to its decision whether to approve or disapprove the Project, and reflects CDCR's independent judgment and analysis;

WHEREAS, the Secretary of CDCR has determined that the Project will result in the following benefits: (i) reactivating and reusing existing state correctional facilities; (ii) reducing prison overcrowding and inmate recidivism; (iii) providing necessary inmate health care and medical care; (iv) restoring jobs to the Paso Robles area; (v) contributing to infrastructure upgrades and restoring wildland firefighting services; and (vi) conserving and restoring native habitat;

WHEREAS, CDCR has made written Findings for each significant effect of the Project, and CDCR has determined that the benefits of the Project outweigh any significant and unavoidable impacts on the environment, as stated in CDCR's Statement of Overriding Considerations;

WHEREAS, based on the three options presented in the EIR to address the effects of Impact 4.11-13, *Site Access Impacts,* CDCR has documented through the Findings that it has selected and will implement Option A, which involves modification of the existing Dry Creek/Airport Road southern entrances to provide additional turn lane capacity and other driveway improvements, rather than the other two options that require acquisition of privately owned land or the disruption of work schedules that may affect the operation of the respective correctional facilities;

WHEREAS, CDCR has prepared a Mitigation Monitoring and Reporting Program (MMRP), which includes all feasible mitigation measures designed to avoid or reduce, to less than significant levels, the Project's significant adverse impacts on the environment, as well as a plan for reporting obligations and procedures;

WHEREAS, CDCR wishes to approve the Findings document, which includes the Statement of Overriding Considerations and the MMRP; and

WHEREAS, in light of CDCR's findings regarding the Project's benefits and adverse impacts on the environment, CDCR wishes to approve the Project;

NOW, THEREFORE, the Secretary of CDCR resolves as follows:

1. Findings, Statement of Overriding Considerations, MMRP. CDCR hereby approves and adopts the CEQA Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (MMRP), attached hereto and incorporated herein by reference, including the selection of Option A to mitigate for Impact 4.11-13 *Site Access Impacts.*

2. Approval of Project. CDCR hereby approves all four components of the Paso Robles Property Master Reuse Plan: 1) the Estrella Facility; 2) the Reentry Facility; 3) the CAL FIRE camp reactivation and new proposed facility; and 4) the habitat restoration component. Each Project component, however, will only proceed if and when State funding becomes available for that individual Project component. Mitigation measures associated with each Project component that are identified in the Mitigation Monitoring and Reporting Program shall only be implemented at the time final planning and construction of that respective Project component begins. No further action by CAL FIRE will be required to reactivate the CAL FIRE camp, but funding and an additional approval by CAL FIRE (but no additional environmental document) will be required for the construction of the 130-bed stand-alone camp described in the EIR. The State Public Works Board has already authorized scope and budget for the Estrella Facility under the provisions of Assembly Bill 900 of 2007.

3. Notice of Determination. CDCR shall, jointly with the Office of the Federal Receiver, file a Notice of Determination with the State Office of Planning and Research within five working days after this approval.

ADOPTED this 29 day of December, 2010.

By: _____
Matthew Cate, Secretary

ATTEST:

By: _____
Chris Meyer, Senior Chief
Facility Planning, Construction, and Management

BE IT RESOLVED that the Receiver:

1. Concurs in the Project approval resolution adopted by the Secretary of CDCR, including the CEQA Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program;

2. Concurs in the approval of the operation of the proposed facilities for which the Receiver has oversight authority; and

3. Finds the facilities are consistent with and in furtherance of the Receiver's court-approved Turnaround Plan of Action.

ADOPTED this 29 day of December, 2010.

PRISON HEALTH CARE RECEIVERSHIP CORPORATION

By: _____
J. CLARK KELSO, Receiver

FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
PASO ROBLES PROPERTY MASTER REUSE PLAN PROJECT
ENVIRONMENTAL IMPACT REPORT

Prepared by:

California Department of Corrections and Rehabilitation
Facility Planning, Construction, and Management
Facilities Management Division
Environmental Services Branch
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Sacramento, California 95827

Contact:
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916/255-2236

December 2010

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SECTION 1
STATEMENT OF FINDINGS

1.1 INTRODUCTION

a. Need for the Project

The California Department of Corrections and Rehabilitation (CDCR) has confronted a problem of serious overcrowding in its adult facilities for a number of years. On October 4, 2006, faced with a prison population of 160,000 or approximately twice the design capacity of existing prisons, Governor Schwarzenegger declared a state of emergency for the prison system. Governor Schwarzenegger found that there were "conditions of extreme peril" that threatened "the health and safety of the men and women who work inside [severely overcrowded prisons] and the inmates housed in them."

In 2007, responding to the Governor's declaration of a state of emergency, the Legislature enacted and Governor Schwarzenegger signed into law AB 900, the Public Safety and Offender Rehabilitation Services Act of 2007, which the Legislature intended to serve as the vehicle for CDCR to build the needed facilities to: (i) reduce overcrowding; (ii) provide adequate medical, mental health, and dental facilities for inmates, as well as facilities to meet the needs of disabled inmates; and (iii) assist inmates in their last year of incarceration to make a successful transition to life outside the prison system.

The Paso Robles Property Master Reuse Plan (Project) is an important step by CDCR towards achieving the Legislature's goals in AB 900. The Project involves the repurposing of the El Paso de Robles Youth Correctional Facility, which was closed in July 2008 due to the reduction of the number of juvenile offenders sentenced to State facilities. Specifically, the Project involves: (i) the conversion of the former El Paso de Robles Youth Correctional Facility to a Level II Adult Correctional Facility (the Estrella Facility), (ii) the construction of a new secure community reentry facility (the Reentry Facility) that would assist inmates in their last year of incarceration and so reduce California's recidivism rate, (iii) the reactivation of the existing facility and potentially the construction of a 130-bed stand-alone conservation camp on the grounds of the existing California Department of Forestry and Fire Protection (CAL FIRE) Los Robles Conservation Camp (CAL FIRE facility), and (iv) the use of the southwestern portion of the CDCR property to provide permanent tree replacement and habitat restoration. For a complete project description please refer to Section 2, below, and to Chapter 3 of the Draft Environmental Impact Report (EIR) for the Project, which is attached hereto as Attachment B.

b. Project Goals/Objectives

CDCR's goals and objectives in proposing the Project are as follows:

- Implement the goals set forth in AB 900, the Public Safety and Offender Rehabilitation Services Act of 2007 to increase male adult inmate prison capacity and associated support and program space to reduce overcrowding and improve living conditions for inmates. The reduction in prison overcrowding also improves security standards for staff, inmates, and the California communities;
- Utilize the existing facilities, infrastructure, and available State-owned land within the former DJJ facility in Paso Robles for conversion to a facility that can house adult Level II male inmates. The basic design of the existing buildings and dormitories within this former DJJ facility can be readily converted to house adult male inmates once additional perimeter security measures are implemented;

- Utilize other available land within the State-owned Paso Robles parcel for the construction of a secure reentry facility that would serve the County of San Luis Obispo and two adjacent counties. The goal of the reentry facility is to better prepare inmates for successful return to the county of their last legal residence and to reduce the potential for recidivism. The proposed reentry facility would provide housing and training areas to allow CDCR to achieve its goal of providing substantive work, academic education, vocational training, and specialized behavioral treatment of inmates prior to their scheduled parole;

- In the short-term, provide a means of reactivating a former CAL FIRE institutional-based conservation camp to support regional wildfire containment and protection of people, property, and resources potentially exposed to wild land fires. In the long-term, use available State-owned property within the Paso Robles parcel for the development of a permanent, full service, conservation camp with dormitories and related support buildings that can house a year-around crew of approximately 130 Level I inmates. These inmates would live within the camp instead of returning to a correctional facility each day;

- Provide an opportunity for the long-term enhancement and replacement of native habitat through the use of existing onsite land and inmate conservation crews;

- Provide new or renovated correctional and conservation camp facilities that meet or exceed current energy and building code standards including features that reduce energy and water consumption; and

- Provide an opportunity to regain or exceed previous employment levels on the Paso Robles parcel.

c. Cooperation with the Federal Receiver

CDCR has the principal responsibility to design, construct and operate the proposed project. CDCR is responsible for the selection of the subject project site, for securing the funding for the project, for their design and construction, and for operation of the completed facilities. As described above, CDCR will act as the lead agency under the California Environmental Quality Act for the Project by considering whether to: (i) separately certify the Final EIR for the proposed project, and (ii) separately approve the proposed Project.

The Office of the Federal Receiver (Receiver), currently Mr. J. Clark Kelso, also has an important role in the Project approval process. The Receiver is appointed by and responsible to the U.S. District Court, which has conferred upon him executive management of the California prison medical health care delivery system and directed him to control, oversee, supervise, and direct all operational functions of the medical system. The Receiver has coordinated and cooperated with CDCR in the preparation of this EIR; both CDCR and the Receiver anticipate that such cooperation and coordination for the provision of necessary medical and mental health care facilities will continue in the future. If CDCR certifies the Final EIR and approves the Project, the Receiver will consider taking the following steps for the Project:

► Adopting a resolution that: (i) concurs that the Final EIR for the Project complies with CEQA; (ii) certifies that the Receiver has reviewed the EIR for the Project; (iii) finds that the analysis of the potential effects on the environment resulting from the operation of the proposed medical and mental health facilities complies with CEQA.

► Adopting a resolution in which the Receiver will: (i) approve the operation of the proposed facilities for which he has oversight authority, and (ii) find that the facilities are consistent with and in furtherance of the Receiver's court-approved Turnaround Plan of Action.

Finally, if the EIR is certified and the project approved, CDCR and the Receiver will file a single notice of determination (NOD) for the project.

d. CEQA Requirements for Findings

The California Environmental Quality Act, Public Resources Code §§ 21000 *et seq.* and the regulations implementing that statute, Cal. Code Regs. tit. 14, §§ 15000 *et seq.* (the "CEQA Guidelines") (collectively, the act and the CEQA Guidelines are referred to as "CEQA") require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency.

(3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Public Resources Code Section 21081, subd (a); see also CEQA Guidelines Sections 15091, subd. (a).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Golden Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*).) "[F]easibility" under CEQA

encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing "'economic, environmental, social, and technological factors' ... 'an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground'"].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d at p. 576)

Because the EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of the CEQA Guidelines presented above, CDCR hereby adopts these Findings as part of the approval of the Paso Robles Property Master Reuse Plan (Project). These Findings constitute CDCR's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with CDCR's approval of the Project.

e. Organization of Findings

These Findings are organized into a number of sections: Section 1.1 provides the background and context of the Project and describes the need for these Findings; Section 1.2 includes a description of the Project and a discussion about why CDCR developed a project-specific EIR for the Project rather than a program EIR; Section 1.3 describes the CEQA environmental review process for the Project; Section 1.4 describes the record of documents for the Project; Section 1.5 describes the significant environmental impacts of the Project; Section 1.6 contains CDCR's general Findings about the Project; Section 1.7 contains CDCR's Findings regarding alternatives to the Project; Section 1.8 contains CDCR's Findings regarding the significant and unavoidable effects of the Project; Section 1.9 describes the Mitigation Monitoring and Reporting Program (MMRP) for the Project; and Section 2 contains a Statement of Overriding Considerations.

1.2 DESCRIPTION OF THE APPROVED PROJECT

For a complete project description please refer to Chapter 3 of the Draft EIR, which is attached hereto as Attachment B.

a. Project Location

The CDCR property consists of an approximately 160-acre parcel situated at 4545 Airport Road, Paso Robles, California. The entire parcel is owned by the State of California. The parcel contains the former DJJ facility, which was closed in July 2008; the CAL FIRE Los Robles Conservation Camp, which was demobilized but is still operated by CAL FIRE on a limited basis; and vacant land. The CDCR property

is located in the north-central portion of San Luis Obispo County within the city limits of Paso Robles, but outside the city's urban core. The parcel is approximately 3 miles northeast of central Paso Robles and approximately 30 miles north of San Luis Obispo.

b. Project Elements

i. *Estrella Level II Adult Correctional Facility*

This proposed facility would reuse buildings and infrastructure of the former DJJ facility to house up to a maximum of 1,000 adult inmates. Approximately 900 of these inmates would be classified as medium security or Level II. No higher security-level inmates would be housed at the proposed Estrella Adult Correctional Facility (Estrella Facility). Some additional new construction would be necessary to provide a full adult facility with an upgraded secure perimeter. The balance of the inmates to be housed at the Estrella Facility (approximately 100) would be classified as minimum security or Level I. All CDCR correctional facilities utilize Level I minimum security inmate crews for maintenance and support activities. Level I inmates typically may work outside of the secure perimeter; while Level II inmates also often perform maintenance and support services, these inmates would not be allowed outside the secure perimeter on work crews.

ii. *Central Coast Regional Secure Community Reentry Facility*

CDCR proposes to construct and operate a 500-bed secure reentry facility on this property. The male inmates housed at this facility would be within 6-12 months of parole. The reentry facility would provide programs to assist in the successful transition of these inmates back into their county of last legal residence. The proposed Central Coast Regional Secure Community Reentry Facility would only serve inmates to be paroled to the counties of San Luis Obispo, Santa Barbara, and San Benito. CDCR reentry facilities are limited to a maximum of 500 inmates, per Penal Code Section 6271(a).

iii. *CAL FIRE Los Robles Conservation Camp Reactivation and Construction*

The existing CAL FIRE facility would be reactivated to provide wildland fire protection and maintenance services as a result of the implementation of the Project. Reactivation of the former institution-based DJJ camp would be achieved through the use of crews provided from the approximately 100 Level I minimum security inmates to be housed at the proposed adjacent Estrella Adult Correctional Facility. The Master Reuse Plan also identifies an area in and immediately adjacent to the existing CAL FIRE support complex for the future construction and operation of a permanent stand-alone 130-bed conservation camp. Once constructed, CAL FIRE would no longer need to depend on the use of inmate crews from the Estrella Facility. The full stand-alone camp would require the addition of support facilities such as inmate and staff living quarters, food service, training rooms, visitation areas, and administrative buildings.

iv. *On-site Habitat Restoration Area*

Approximately 10–15 acres located in the southwestern portion of the CDCR property are proposed to be used as a habitat restoration area. This area would be restored to provide land for permanent tree replacement plantings for those trees to be removed from the CDCR property by the Project, and also could provide a place for other on-site habitat restoration.

c. Operational Characteristics and Staffing

There are currently nine staff positions at the former DJJ and CAL FIRE facilities. Approximately 998 new staff would be required for the Level II, CAL FIRE, and reentry facilities, bringing the total staff at the project site to 1,007; however, they would be split by shift and would not be on the site at the same time. Of these 1,007 staff, 605 would be required for the Estrella Facility, 365 for the reentry facility, and 37 for the CAL FIRE facility. No additional staff would be required for the on-site habitat restoration area. The proposed facilities would operate 24 hours a day year-round, with three 8-hour shifts (watches) and an overlapping administrative shift. New employees would include correctional officers, administrative staff, and other types of support staff, including some medical and mental health staff.

d. Project EIR, Not Program EIR

The types of EIRs available to lead agencies under CEQA are:

- project EIRs (Section 15161 of the State CEQA Guidelines),
- EIRs as part of general plans (Section 15166),
- master EIRs (Section 15175–15179.5),
- program EIRs (Section 15168),
- staged EIRs (Section 15167),
- subsequent EIRs (Section 15162), and
- supplements to EIRs (Section 15163).

These EIR types "are not exclusive" (State CEQA Guidelines, Section 15160). By choosing the most appropriate form of EIR, lead agencies can effectively analyze the foreseeable consequences of a proposed project, including cumulative impacts (State CEQA Guidelines, Section 15160). CDCR has determined that the most effective type of EIR for this Project would be a "project EIR," which is the "most common type of EIR" and "examines the environmental impacts of a specific development project" (Section 15161of the State CEQA Guidelines). Another type of EIR available to lead agencies under CEQA is a "program EIR." As stated in Section 15168(a) of the State CEQA Guidelines, a program EIR:

> . . . may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) As logical parts in the chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

In many circumstances, a program EIR is a useful and flexible tool in which to conduct CEQA review (e.g., *In re Bay-Delta Programmatic EIR Coordinated Proceedings* [2008] 43 Cal.4th 1143). In this case, however, a program EIR was neither necessary nor advisable. Indeed, the preparation of such an EIR would have delayed the construction of beds needed to alleviate prison overcrowding, and would have

spent limited public funds on an environmental analysis that would not provide the public with useful information.

i. CEQA Does Not Require CDCR to Prepare a Program EIR

A program EIR is an optional procedure, and the decision whether to prepare a program EIR, as opposed to a project EIR, is within the lead agency's discretion. (See *Al Larson Boat Shop, Inc. v. Bd. of Harbor Com.* [1993] 18 Cal.App.4th 729, 741 (quoting Section 15168(a) of the State CEQA Guidelines).) Under Section 15165 of the State CEQA Guidelines, a program EIR is required *only* "[w]here individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect." Similarly, as also stated in Section 15165, "Where an individual project is a *necessary* precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project." (emphasis added).

Where, however, one project "is not deemed part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect." (Section 15165 of the State CEQA Guidelines). CDCR considered whether the Project, specifically the reentry component, is part of a larger project with significant environmental effects, or whether it is a stand-alone project for which a program EIR *may*, but not *must*, be prepared. The proposed reentry project is an independent project, separate and apart from the other potential secure community reentry facility projects, justifying individual project-level environmental review.

CEQA permits an agency to focus an environmental document solely on one part of what is arguably a larger department plan (here, the identified need for new beds in the form of secure community reentry facilities) where that project has independent utility that justifies its separate processing and approval (*Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* [1992] 10 Cal.App.4th 712; *Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31; State CEQA Guidelines Section 15165.) In this instance, each secure community reentry facility, including the Project, has independent utility separate and apart from the other facilities, irrespective of any similarities of project objectives, operation, and staffing needs. The construction and operation of the Project, for example, is not dependent on the construction and operation of any other proposed secure community reentry facility projects, nor would constructing or operating the proposed reentry facility necessitate the development of any other prison facility. The Project would provide transitional services to inmates in their last year of incarceration, even if it were the only such facility in California. Similarly, the Estrella facility is not dependent on the construction and operation of any other facility in the California prison system and the construction and/or operation of the Estrella facility will not necessitate the development of any other prison facility. Consequently, CDCR is not required to prepare a program EIR for either the Estrella or reentry facility.

ii. Preparation of a Program EIR Would Be Inappropriate

Section 15168(a) of the State CEQA Guidelines uses the term "program" to mean a series of actions that can be characterized as one large project and can be related: (1) geographically, (2) as logical parts in the chain of contemplated actions, (3) in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways. The secure community reentry facilities being considered by CDCR do not fit any of the four criteria for "related" activities, for the reasons described below.

▶ The secure community reentry facilities would not be related geographically because they are proposed for specific sites dispersed throughout the state. These facilities are scattered throughout California and seek to locate inmates in their last year of incarceration in or adjacent to their county of last legal residence. The proposed facilities are not logical parts in a chain of contemplated actions because the facilities are independent of each other.

▶ Although CDCR is proposing a number of secure community reentry facilities to alleviate the overcrowding crisis in California's prisons, these facilities are not being proposed in connection with the issuance of general criteria or a rule to govern a continuing program. Rather, each proposed facility would be independently managed.

▶ Although the secure community reentry facility projects are proposed to be carried out under the same authority (i.e., AB 900), the projects would not necessarily have similar environmental effects that could be mitigated in similar ways (see Section 15168[a] [4] of the State CEQA Guidelines). Rather, the potential adverse environmental effects of each facility would be unique to its location, infrastructure constraints, traffic conditions, and so on. The impacts would, therefore, largely differ by location.

Moreover, given the urgent need to improve the State's prison health care system, spending the 2–3 years anticipated to be necessary to prepare and certify a program EIR would constitute an unreasonable delay. Because California's prison system is overcrowded, which impacts delivery of healthcare, such delays would not serve the public interest. Furthermore, because the environmental effects of any secure community reentry facility proposed by CDCR will be evaluated in its own CEQA document, a program EIR would be unnecessary and redundant. (See *Stand Tall on Principles v. Shasta Union High School Dist.* [1991] 235 Cal.App.3d 772.)

Section 15004(b) of the State CEQA Guidelines explains that "[c]hoosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment." CDCR determined that an environmental review would be premature if it were prepared before the counties' proposed potentially feasible sites. As the California Supreme Court recently observed, "CEQA review was not intended to be only an afterthought to project approval, but neither was it intended to place unneeded obstacles in the path of project formulation and development." (*Save Tara v. City of West Hollywood* [2008] 45 Cal.4th 116, 137 [*Save Tara*]; *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556).

In summary, because the Project and each of its elements has independent utility, CEQA does not require it to be evaluated along with the other potential reentry projects and new prison facilities. Preparing a program EIR was reasonably rejected because of the urgent nature of the proposed project. Preparation of a program EIR also would have been premature given the lack of knowledge at the time about the potential sites. A program EIR would not have provided meaningful information to CDCR or the public and so would have defeated one of the primary goals of CEQA. For all these reasons, CDCR did not violate CEQA in deciding to prepare a project-specific EIR for the Project, rather than a program EIR.

1.3 ENVIRONMENTAL REVIEW PROCESS

CDCR has, pursuant to the requirements of CEQA, prepared an EIR to analyze the potential effects of the Project on the environment. As required by CEQA, CDCR has conducted a thorough public outreach effort during the environmental review process so as to ensure that governmental decision makers and

members of the public are informed about the potential for significant adverse effects on the environment from proposed activities. Moreover, CDCR has sought to demonstrate to residents in the vicinity of the Project that CDCR has, in fact, analyzed and considered the ecological implications of its actions.

CDCR began its public outreach effort at the outset of the CEQA process. A Notice of Preparation (NOP) was distributed to the California State Clearinghouse at the Governor's Office of Planning and Research and circulated to other potentially interested public agencies and members of the public on October 9, 2009. The release of the NOP initiated a 30-day public comment period that ended on November 6, 2009. The NOP notified the public that the Draft EIR would be prepared for the Project, and briefly described the elements of the Project and the scope of the environmental analysis that would be presented in the Draft EIR. The NOP also requested that public agencies and members of the public provide their comments on the scope and content of the Draft EIR that would be prepared. In addition, CDCR held two public scoping meetings on October 21, 2009. CDCR received comments on the NOP from state agencies, regional and local governmental agencies, and members of the public. CDCR considered the comments received on the NOP in refining the scope of analysis for the EIR.

CDCR released the Draft EIR for the Project on August 16, 2010 with a 45-day review period pursuant to CEQA Guidelines §15105. CDCR held two public hearings to receive comments from agencies and members of the public on September 20, 2010. The review period closed on September 29, 2010. CDCR received comments from state agencies, regional and local governmental agencies, a non-governmental organization, and members of the public. Those comments, and CDCR's responses to those comments, are contained in the Final EIR.

CDCR also held a number of meetings with public agencies to discuss the Project and its potential effects on the environment, specifically:

- January 6, 2010 meeting with representatives from the City of Paso Robles planning and public works departments, to discuss aesthetics, site access, water, and sewer.

- February 3, 2010 meeting with representatives from Caltrans to discuss transportation issues.

- April 29, 2010 meeting with Airport Manager for Paso Robles Municipal Airport, Senior Airport Planner for San Luis Obispo County Airport Land Use Commission, and representatives from the City of Paso Robles, to discuss aviation-related issues.

- April 29, 2010 on-site meeting to discuss site access, traffic, road improvements, water, and sewer issues with the following representatives from the City of Paso Robles: Public Works Director, City Engineer, Wastewater Manager, Water Manager, and Community Development Director.

- July 26, 2010, meeting with representatives from City of Paso Robles to discuss water and sewer issues.

CDCR has, in fact, met with each public agency or member of the public that has requested a meeting to discuss the Project.

1.4 DESCRIPTION OF THE RECORD

For purposes of CEQA and these Findings, the record before the Secretary is composed of all non-privileged documents relating to the Project in CDCR's files on this matter, including, without limitation:

a. The Notice of Preparation prepared for the Project;

b. The Draft EIR for the Paso Robles Property, Master Reuse Plan EIR, together with all appendices to the Draft EIR;

c. All comments or documents submitted by public agencies or by members of the public during or after the comment period on the Draft EIR or up to the Secretary's approval of the Project;

d. The Final EIR for the Paso Robles Property, Master Reuse Plan EIR, together with all appendices to the Final EIR;

e. The Mitigation Monitoring and Reporting Program (MMRP) attached as Attachment A to these Findings;

f. All findings and resolutions adopted by the Secretary in connection with the Project and all documents cited or referred to therein;

g. All staff reports and presentation materials related to the Project, including internal reports and analyses prepared by consultants to CDCR;

h. All studies conducted for the Project and contained in, or referenced by, staff reports, the Draft EIR, the Final EIR or the MMRP;

i. All public reports and documents related to the Project prepared for or by CDCR, including, without limitation, all planning documents (e.g., CDCR's Population Reduction Plan), other public agencies, the *Plata* Receiver, or the federal courts.

j. All public reports and documents relating to: (i) the potential conversion of former Division of Juvenile Justice facilities to serve adult populations, (ii) the construction and operation of secure community reentry facilities authorized under AB 900; (iii) the need for, reactivation and use of conservation camps by CAL FIRE; and (iv) the need for, design and operation of habitat restoration projects in San Luis Obispo County;

k. All documentary and oral evidence received and reviewed at public hearings, meetings and workshops related to the Project, the Draft EIR, the Final EIR or the MMRP;

l. All other public reports and documents relating to the Project that were used by CDCR staff or consultants in the preparation of the Draft EIR, the Final EIR or the MMRP; and

m. All other documents, not otherwise included above, required by Public Resources Code section 21167.6.

1.5 SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE PROJECT

The EIR identifies significant impacts to a number of environmental resources, including air quality, biological resources, cultural resources, paleontological resources, hazardous materials, aircraft hazards, noise, transportation (project and cumulative), wastewater collection and conveyance (project and cumulative), and natural gas facilities. As described below (Section 1.8 and 1.9), mitigation measures are available to reduce each of these impacts to a less-than-significant level, and CDCR has adopted such measures.

The EIR also identifies significant and unavoidable impacts to a number of environmental resources, including cumulative air quality, contribution to cumulative climate change from greenhouse gas emissions, certain transportation facilities (project and cumulative), groundwater in the event that surface water entitlements cannot be procured (project and cumulative), and visual resources including nighttime views (project and cumulative). As described below (Section 1.8), CDCR has adopted all feasible measures to reduce these significant impacts, yet they remain significant after adoption of those measures.

1.6 GENERAL FINDINGS

a. Certification of the EIR

In accordance with CEQA, CDCR has considered the effects of the Project on the environment, as shown in the Draft and Final EIRs and the whole of the administrative record prior to taking any action on the Project. The Final EIR was released for public agency review on December 7, 2010. The Secretary has reviewed and considered the Draft and Final EIRs and the information relating to the environmental impacts of the Project contained in those documents and has certified that the EIR has been prepared and completed in compliance with CEQA. A copy of the Secretary's resolution certifying the EIR is attached hereto as Attachment C. By these Findings, the Secretary ratifies and adopts the conclusions of the Final EIR as set forth in these Findings, except where such conclusions are specifically modified by these Findings. The Final EIR and these Findings represent the independent judgment and analysis of the Secretary.

b. Changes to the Draft EIR; No Need to Recirculate

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and new information has been added. No information has revealed the existence of: (1) a significant new environmental impact that would result from the Project or an adopted mitigation measure; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure not adopted that is considerably different from others analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project; or (4) information that indicates that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Consequently, CDCR finds that the amplifications and clarifications made to the Draft EIR in the Final EIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code §21092.1 and CEQA Guidelines §15088.5. Recirculation of the Draft EIR or any portion thereof, is therefore not required.

c. Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the entire record before CDCR. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

d. Findings Regarding Mitigation Measures

(i) Mitigation Measures Adopted

Except as otherwise noted, the mitigation measures herein referenced are those identified in the Final EIR and adopted by CDCR as set forth in the MMRP.

(ii) Impact After Implementation of Mitigation Measures

Except as otherwise stated in these Findings, in accordance with CEQA Guidelines §15092, CDCR finds that environmental effects of the Project will not be significant or will be mitigated to a less than significant level by the adopted mitigation measures. CDCR has substantially lessened or eliminated all significant environmental effects where feasible. CDCR has determined that any remaining significant effects on the environment that are found to be unavoidable under CEQA Guidelines §15091 are acceptable due to overriding considerations as described in CEQA Guidelines §15093. These overriding considerations consist of specific environmental, economic, legal, social, technological, and other benefits of the Project, which justify approval of the Project and outweigh the unavoidable adverse environmental effects of the Project, as more fully stated in Section 2 (Statement of Overriding Considerations). Except as otherwise stated in these Findings, CDCR finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the Draft EIR.

(iii) Mitigation to be Implemented Only After Project Elements Are Implemented

As noted in Section 1.2 above (description of the approved Project), CDCR is proposing for approval four different Project elements: (i) the Estrella Level II Adult Correctional Facility, (ii) the Central Coast Regional Secure Community Reentry Facility, (iii) CAL FIRE Los Robles Conservation Camp Reactivation and Construction of a stand-alone 130-bed camp, and (iv) On-Site Habitat Restoration Area. CDCR will be responsible for implementing all elements other than the CAL FIRE Los Robles Camp Reactivation and Construction. Each of these Project elements may be implemented independently of the others. Because each Project element may be implemented independently of other Project elements and because each Project element has different impacts on the environment, the mitigation measures set forth in these Findings and contained in the Mitigation Monitoring and Reporting Program will be implemented based on the specific impacts on the environment resulting from each Project element.

(iv) Relationship of Findings and MMRP to Final EIR

These Findings and the MMRP are intended to summarize and describe the contents and conclusions of the Draft and Final EIR for policymakers and the public. For purposes of clarity, some of these measures may be worded differently from the provisions in the Final EIR and/or some provisions may be combined. Nonetheless, CDCR will implement all measures contained in the Final EIR. In the event that there is any inconsistency between the descriptions of mitigation measures in these Findings or the MMRP and the Final EIR, CDCR will implement the measures as they are described in the Final EIR. In

the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from these Findings or from the MMRP, such a mitigation measure is hereby adopted and incorporated in the Findings and/or MMRP as applicable.

e. Location and Custodian of Records

Pursuant to Public Resource Code §15091, CDCR is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at the offices of CDCR's Division of Facility Planning, Construction, and Management, which are located at 9838 Old Placerville Road, Suite B, Sacramento, California. Copies of the Draft and Final EIRs are also available at CDCR's website, www.cdcr.ca.gov.

1.7 ALTERNATIVES

In accordance with Section 15126.6 of the State CEQA Guidelines, a range of reasonable alternatives to the project that could, potentially, accomplish the basic project objectives were addressed in the EIR. However, CDCR finds that specific economic, legal, social, technological, or other considerations, as enumerated in the discussion of alternatives, below, make infeasible each of the alternatives considered in the EIR.

NO PROJECT (NO DEVELOPMENT) ALTERNATIVE

Under this alternative no actions would be taken at the CDCR property. No development of the site or reuse of the former DJJ facility would occur. Current, highly limited CAL FIRE operations would continue onsite. None of the significant and significant and unavoidable environmental impacts associated with the proposed project would occur under the No Project alternative.

CDCR finds that this alternative is infeasible due to social and legal considerations. As described in the EIR, State prisons are severely overcrowded and in 2006 the Governor declared a state of emergency that described "conditions of extreme peril" that threaten "the health and safety of the men and women who work inside [severely overcrowded prisons] and the inmates housed in them." Under this alternative, AB 900, the Public Safety and Offender Rehabilitation Services Act of 2007's goal of increasing male adult inmate capacity and associated program and support space would not be met at the site, and bed shortages throughout the prison system would not be reduced. CDCR would be required to meet its needs for the beds it would have provided at the site at another prison site in the state prison system and a reentry facility would need to be constructed on a different site within the county of San Luis Obispo, San Benito, or Santa Barbara to serve the anticipated number of inmates annually paroled to these three respective counties. This process would result in the need to seek new sites and would not help resolve overcrowding conditions in a timely manner. The No Project (No Development) Alternative would not meet the project's basic objective to create prison housing units, prison support buildings, and inmate programming space to address current and projected shortages of celled capacity to safely and securely house inmates in California. Therefore, this alternative is rejected as infeasible.

MITIGATED DESIGN ALTERNATIVE

The Mitigated Design Alternative is intended to reduce the significant and significant and unavoidable impacts of the project. As described in the EIR, significant impacts associated with the Master Reuse Plan would generally come from impacts on existing visual character and nighttime views; impacts on biological resources (e.g., loss of native oak trees, waters of the United States, nesting sites); construction, operational, and GHG-related air emissions; construction and operational noise impacts; traffic impacts;

water quality impacts; potential short-term treated wastewater quality impacts; potential groundwater impacts; and potential impacts on cultural resources.

In evaluating how these impacts could be reduced through a mitigated design alternative, it is important to understand which elements of the Master Reuse Plan have sufficient flexibility to accommodate modified designs to avoid identified impacts. In the case of impacts related to air quality, cultural resources, hydrology and water quality, noise, traffic, and nighttime lighting impacts, these impacts are primarily a direct function of the size of the proposed facilities, the area of the construction footprint, and the number of inmates and employees that would be located at the facility.

The Master Reuse Plan is being proposed by CDCR to meet a legislative mandate to provide adult male inmate housing and reentry facilities throughout the CDCR prison system. One option for avoiding impacts such as these would be to relocate the facilities to an alternate location where these impacts would not occur. Please see the discussions below and in Sections 7.1 and 7.3 of the DEIR regarding off-site location considerations.

The other option would be to determine if the size of the project at the CDCR property could be reduced in some manner so as to avoid or substantially lessen the impacts that would occur. This is addressed in Sections 7.4.3 and 7.4.4 of the DEIR. Note that the proposed project is one of many needed to help the state meet its inmate capacity needs, and is crucial to providing the necessary capacity to meet the goals of AB 900, the Public Safety and Offender Rehabilitation Services Act of 2007. CDCR believes the project site, which includes facilities from a former DJJ facility and ongoing CAL FIRE operations, represents a potentially unique opportunity to reuse existing housing and support facilities on existing state-owned land to help reduce overcrowding in the state prison system.

Regarding biological impacts, some of the Master Reuse Plan's components could be relocated to avoid removal of sensitive habitats (i.e., a proposed visitor parking lot in the southwest portion of the site that would result in fill of an ephemeral drainage). However, the project would still result in removal of some native oaks located near the proposed lethal electrified fence line (to avoid being a wildlife attractant or an aid to inmate escape) and within the footprints of proposed Estrella buildings. In addition, the project would still result in the same impacts on common and special-status animals (primarily birds) because a lethal electrified fence would be required in the design of the Estrella facility. Therefore, impacts related to removal of native oaks and associated nesting sites and animals (primarily birds) associated with the operation of a lethal electrified fence could not feasibly be avoided.

Regarding wastewater and water impacts, these issues are outside the control of CDCR, and CDCR is proposing to mitigate these impacts by paying sewer connection fees toward treatment plant upgrades (through payment of sewer connection and meter fees) and by procuring an entitlement to additional Lake Nacimiento water. There are no alternatives that would otherwise resolve these impacts (if, indeed, they remain unresolved) other than the No Project alternative.

The remaining issue that could be addressed would be moving proposed CAL FIRE facilities to another location on the CDCR property to reduce adverse impacts on the existing visual character of the site and its surroundings from certain viewpoints. It is noted that the view from other viewpoints which are dominated by the Estrella Facility, cannot be altered by moving facilities. The visual impact is primarily from the electrified fence, and moving it would compromise the security of the facility; therefore, this is not a feasible decision option because of security considerations.

The purpose of the Mitigated Design Alternative evaluated in the EIR is to identify the environmental impacts that would occur if project components in the Master Reuse Plan were shifted or redesigned with modified building footprints within the CDCR property. Exhibit 7-1 in the DEIR identifies the proposed

location of alternate on-site locations that could support the proposed CAL FIRE camp facilities and the proposed Estrella Facility visitor parking lot and reduce impacts on visual and biological resources, and hydrology and water quality. These locations would serve to reduce the significant impacts identified for the proposed project. As shown in the exhibit, the proposed visitor parking lot would be relocated to the north of the proposed staff parking lot in an area that does not support drainages. The proposed CAL FIRE buildings would be shifted to the west to be further set back from Airport Road. Existing CAL FIRE buildings would remain in their existing locations. The proposed CAL FIRE ball field/recreation area would be located near Airport Road. This alternative would attain all project objectives.

However, upon further consideration, CDCR finds this alternative is infeasible for social and economic reasons. Moving the parking lot would substantially increase the distance between visitor parking and visitor access to the site and visitor-serving facilities. As discussed in the FEIR (Response to Comment 10-193), this could create ADA and other family access concerns, such as the need for small children to walk substantial distances to visit their relatives. Family visitation is important to the rehabilitation process and is strongly encouraged by CDCR as a means to improve the potential for inmate success in the community once they have completed their terms. Further, moving all CAL FIRE facilities would mean that existing buildings and facilities that have a substantial remaining operating life would be demolished and reconstructed in a different location. Given the current state of California's fiscal conditions, this would not be economically feasible. For these reasons, this alternative is rejected as infeasible.

REDUCED DEVELOPMENT: ESTRELLA AND CAL FIRE CONSERVATION CAMP ONLY

With this alternative, the only activities at the CDCR property would be reuse of the DJJ facility and reactivation and expansion of the CAL FIRE Conservation Camp. The DJJ facility would be converted to an Estrella adult inmate facility, surrounded by a lethal electrified fence. It would house up to 1,000 inmates. The CAL FIRE Conservation Camp would house up to 130 Level I inmates (under full conservation camp build out conditions). The design of both facilities would be the same as for the Master Reuse Plan. The only difference is that the reentry facility would not be developed. Under this alternative, impacts to transportation facilities, air quality and biological resources would be reduced. Under the proposed Project, significant impacts would occur at ten intersections; with this alternative, eight intersections would be adversely affected. The impacts to air quality and biological resources would be reduced, but these project impacts can already be reduced to a less-than-significant level.

CDCR finds that this alternative is infeasible for social and legal reasons. The reentry facility is intended to provide rehabilitation and other services that are intended to better prepare inmates for successful reentry to society following their incarceration. It is intended to reduce recidivism, which would reduce overcrowding by also reducing the number of repeat offenders returning to prison. This alternative would reduce the State's prison capacity by 500, which would result in the social and legal issues associated with the overcrowded conditions described in the No Project alternative discussion, above. The Counties of San Luis Obispo, Santa Barbara, and San Benito, as well as the City of Paso Robles, agreed via a memorandum of understanding, to support siting the reentry facility at the project site (subject to CEQA). The Legislature intends that reentry facilities be sited at locations that are supported by local jurisdictions. The siting of the CCRSCRF required three local jurisdictions (San Luis Obispo, Santa Barbara, and San Bonito Counties) to reach agreement on the location for the proposed reentry facility. Given the complexity of identifying sites that meet the objectives of multiple local jurisdictions, negotiating the location of the facility at another location is not feasible within the time allotted by Legislation for CDCR to begin operating the proposed facility. For these reasons, this alternative is rejected as infeasible.

REDUCED DEVELOPMENT: REENTRY AND CAL FIRE CONSERVATION CAMP ONLY

With this alternative, the only activities at the site would be construction and operation of the reentry facility and reactivation and expansion of the CAL FIRE Conservation Camp. The DJJ facility would sit vacant. The reentry facility would house up to 500 inmates, the CAL FIRE Camp would house up to 130 Level I inmates, and the restoration component would be implemented. The design of both facilities would be the same as they are under the proposed project. The difference is that the DJJ facility would not be reused as an Estrella Facility, and no lethal electrified fence would be constructed. Under this alternative, impacts to transportation facilities, air quality and biological resources would be reduced. Under the proposed project, significant impacts would occur at ten intersections; with this alternative, eight intersections would be adversely affected. The impacts to air quality and biological resources would be reduced, and none of the biological impacts associated with the lethal electrified fence would occur, but these project impacts can already be reduced to a less-than-significant level. Visual impacts associated with the lethal electrified fence would be avoided, because there would be no need for the fence to be located where it would be seen by passing traffic..

CDCR finds that this alternative is infeasible for legal, social, and economic reasons. The Estrella facility would provide capacity for 1,000 adult male inmates. This alternative would reduce the State's prison capacity by 1,000, which results in legal issues associated with the overcrowded conditions described in the No Project alternative discussion, above. Finding this capacity elsewhere at a similar cost would be difficult, if not impossible, because there are very few other locations in California that have the infrastructure needed for correctional facilities on State-owned property. CDCR plans to use those few other locations (e.g., the Northern California Women's Facility site near Stockton, or the Heman G. Stark facility near Chino) for additional correctional facilities. Purchasing additional land for a new correctional facility, given the State's budgetary shortfall, makes such an option infeasible.

OFF-SITE LOCATION FOR REENTRY FACILITY ALTERNATIVE

This alternative considers constructing the reentry facility at another site. The Estrella/CAL FIRE facility and the proposed restoration area would not be affected by this alternative. This alternative focuses on the reentry component of the project. Under the Off-Site Location Alternative, the reentry facility would be constructed in one of the three counties the reentry facility would serve: San Luis Obispo, San Benito, or Santa Barbara. In consideration of a different location, it bears noting that in 2008, the boards of supervisors of all these three counties and the Paso Robles City Council voted to support the reentry facility in Paso Robles. However, before this, earlier in 2008, Santa Barbara County considered siting a reentry facility at its North County Jail facility, in the City of Santa Maria. Thus, this location is considered herein as an alternative location for a 500-bed reentry facility. The reentry facility would have been paired with expansion of the North County Jail. The site would be located on 50 acres, at the southwest corner of Black and Betteravia. This alternative would result in impacts similar to the proposed project and greater impacts to solid waste facilities, agricultural resources, and visual resources. Only transportation impacts would be reduced with this alternative. This alternative is environmentally inferior to the proposed project.

CDCR finds that this alternative is infeasible for environmental and social reasons. As described above, this alternative is environmentally inferior to the proposed project. Further, the Counties of San Luis Obispo, Santa Barbara, and San Benito, as well as the City of Paso Robles, agreed via a memorandum of understanding, to support siting the reentry facility at the project site (subject to CEQA). The Santa Barbara County site was previously considered, but it was not supported by the local jurisdictions. The Legislature intends that reentry facilities be sited at locations that are supported by local jurisdictions. The siting of the CCRSCRF required three local jurisdictions (San Luis Obispo, Santa Barbara, and San

Bonito Counties) to reach agreement on the location for the proposed reentry facility. Given the complexity of identifying sites that meet the objectives of multiple local jurisdictions, negotiating the location of the facility at another location is not feasible within the time allotted by Legislation for CDCR to begin operating the proposed facility. For these reasons, this alternative is rejected as infeasible.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

Section 15126.6(c) of the State CEQA Guidelines provides that an EIR "should also identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination."

One alternative considered but rejected from consideration is an alternative that would reduce the number of inmates in the state prison system to the extent that new prison beds are not needed. This alternative was rejected for the following reasons:

- The state prison system is severely overcrowded. Even a substantial reduction in the number of incarcerated people would not eliminate the need to provide additional bed space for inmates throughout the system.

- The long-term trend over the last 30 years has shown consistent increases in the number of incarcerated people. Legislation and voter initiatives have generally addressed crime by lengthening prison sentences and, at the same time, California's population has grown. This combination suggests that it is unlikely, and it is not projected, that the demand for prison space will diminish in the foreseeable future.

- Actions that would substantially reduce the number of inmates in the prison system would likely require legislation. Because there is no such legislation, this consideration is legally infeasible. Further, if any such legislation is passed, it would need to result in a dramatic reduction in the number of inmates to eliminate the need for additional beds.

Another alternative considered and rejected is the placement of the entire project on another site, within the county of San Luis Obispo, San Benito, or Santa Barbara, that contains no other prison facilities. In addition to the fact that existing state assets would not be reused, construction of the Master Reuse Plan on an undeveloped site would result in substantially greater impacts and costs than those anticipated from the project. For example, a new prison facility would require the development of previously undeveloped lands that could result in new or substantially greater biological and cultural resource impacts and greater overall construction impacts (such as to air quality and noise), and substantially more facilities would need to be built. The proposed Master Reuse Plan would be located at a former DJJ facility where almost all existing buildings and roads could be reused and substantial support infrastructure is already present. The construction of more buildings and related infrastructure would be needed under this alternative and would result in substantially greater construction-related impacts in the areas of construction-related air quality, noise, and hydrology and water quality. Further, this alternative would not attain a central objective of the project: reuse of existing state assets. Finally, AB 900 only allows CDCR to add new inmate beds at "facilities under its jurisdiction" (Gov. Code § 15819.40(a)(1)(A). For these reasons, this alternative was rejected from further consideration.

A final alternative that was considered and rejected was reuse of another state site with existing reusable assets (i.e., infrastructure and reusable buildings, such as at the CDCR property) within the county of San Luis Obispo, San Benito, or Santa Barbara. This alternative was rejected because there are no such sites, except the subject CDCR property.

1.8 FINDINGS OF FACT

The Secretary of CDCR has reviewed the Final EIR for the Paso Robles Property Master Reuse Plan Project, consisting of the Paso Robles Property Master Reuse Plan Project Draft EIR (August 2010) and the Paso Robles Property Master Reuse Plan Project Responses to Comments on the Draft EIR (December 2010), together which form the Final EIR. The Secretary of CDCR has considered the public record on the project, which, in addition to the above documents and this Statement of Findings, is composed of the following element:

- Mitigation Monitoring and Reporting Program (MMRP) for the California State Prison, Paso Robles Property Master Reuse Plan EIR, December 2010. The MMRP meets the requirements of Section 21081.6 of the Public Resources Code by providing a monitoring plan designed to ensure compliance during project implementation with mitigation measures adopted by CDCR.

Pursuant to Public Resources Code Section 21081, for each significant effect identified in the EIR, CDCR must make one or more of the findings stated in this document.

After reviewing the public record, composed of the aforementioned elements, the Secretary of CDCR hereby makes the following findings regarding the significant effects of the proposed project, pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines. The numeric references for each impact refer to the impact/mitigation label included in the EIR.

AIR QUALITY

Significant Effect: Impact 4.1-1, Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors

Construction-related emissions are described as "short term" or temporary in duration and have the potential to represent a significant impact with respect to air quality. As discussed separately below, construction-related activities would result in project-generated emissions of criteria air pollutants (e.g., particulate matter,10 micrometers or less (PM_{10})) and precursors (e.g., reactive organic gases (ROG) and oxides of nitrogen (NO_X) from site preparation (e.g., demolition, excavation, grading, and clearing); off-road equipment, material delivery, and worker commute exhaust emissions; vehicle travel on paved and unpaved roads, and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation).

Emissions of ozone precursors are primarily associated with off-road (e.g., gas and diesel) construction equipment exhaust. Worker commute trips and other construction-related activities (e.g., application of architectural coatings) also contribute to short-term increases in such emissions. Emissions of fugitive PM dust (e.g., PM_{10}) are associated primarily with ground disturbance activities during site preparation (e.g., grading) and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage of disturbance area, and vehicle miles traveled (VMT) on- and off-site. Exhaust emissions from diesel equipment and worker commute trips also contribute to short-term increases in PM_{10} emissions, but to a much lesser extent.

Project-generated, construction-related emissions of ROG, NO_X, and fugitive PM_{10} dust were modeled using the San Luis Obispo Air Pollution Control District (SLOAPCD)-recommended Urban Emissions Model 2007 Version 9.2.4 (URBEMIS). URBEMIS is designed to model construction emissions for land use development projects and allows for the input of project-specific information. Exact project-specific data (e.g., construction equipment types and number requirements, and maximum daily acreage disturbed)

were not available at the time of this analysis. Project-generated emissions were modeled based on general information provided in the project description and default URBEMIS settings in order to estimate reasonable worst-case conditions.

Construction-related activities would result in 667 lb/day and 3.9 ton/qtr of project-generated ozone precursor emissions, which exceed SLOAPCD's significance threshold of 137 lb/day and 2.5 ton/qtr (Tier 1), respectively. Consequently, project-generated, construction-related emissions of ozone precursors

could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations. As a result, this would be a **significant** impact (Impact 4.1--1).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measures that will reduce construction-related ozone precursor emissions impacts to less-than-significant levels:

The following SLOAPCD-recommended standard mitigation measures, Best Available Control Technologies (BACT), and off-site mitigation will be implemented by CDCR to reduce construction-related ozone precursor emissions. The measures included in Mitigation Measure 4.1-1 would substantially reduce diesel and other emissions, to the extent they are less than the Air Pollution Control District's (APCD) threshold of significance.

Prior to commencement of grading and at least three months before construction activities commence, CDCR will demonstrate how the construction-generated emissions of diesel particulate matter (DPM) will be below the significance thresholds of 7 lb/day and 0.13 ton/qtr.

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with California Air Resources Board (ARB) certified motor vehicle diesel fuel (nontaxed version suitable for use off-road).
- Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.
- Use on-road heavy-duty trucks that meet ARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NO_X exempt area fleets) may be eligible by proving alternative compliance.
- Limit idling of all on and off-road diesel equipment to no more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.

- Prevent diesel idling within 1,000 feet of sensitive receptors.
- Do not located staging and queuing areas within 1,000 feet of sensitive receptors.
- Electrify equipment when feasible.
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
- Use alternatively fueled construction equipment on-site where feasible (e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel).
- Repower equipment with the cleanest engines available.
- Installing California Verified Diesel Emission Control Strategies.
- CDCR will pay into SLOAPCD's off-site NOx mitigation fund to further reduce operational ozone precursor emissions that exceed SLOAPCD's daily threshold of 25 lb/day. The fee will be based on the current rate of $16,400 to reduce 1 ton of NOx. The determination of the final mitigation fee will be conducted in coordination with SLOAPCD. The fee will be paid to SLOAPCD in total before any ground disturbance.

Implementation of these mitigation measures would reduce construction-related ozone precursor emissions below SLOAPCD's applicable threshold of significance. More specifically, according to URBEMIS model defaults the above mitigation measures related to the on-site control of NO_X from exhaust emissions could reduce emissions up to 40%. The remainder of ROG plus NO_X emissions would be reduced through the payment of off-site mitigation fees, which would be used to reduce ROG and NO_x emissions elsewhere in the air basin. As a result, this impact would be reduced to a **less-than-significant** level.

Significant Effect: Impact 4.1-2, Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors

Project-generated, regional area- and mobile-source emissions of ROG, NO_X, and PM_{10} (of which $PM_{2.5}$ is a subset) were also modeled using URBEMIS. URBEMIS allows land use selections that include project location specifics and trip generation rates. URBEMIS accounts for area emissions from the usage of natural gas, landscape maintenance equipment, and consumer products; and mobile-source emissions associated with vehicle trip generation.

Regional area and mobile-source emissions were modeled based on proposed land use types and sizes as described in the project description, trip generation data presented in the traffic analysis prepared for this project, and default URBEMIS settings in order to estimate reasonable worst-case conditions.

Implementation of the proposed project would result in approximately 36.4lb/day of ozone precursors which would exceed SLOAPCD's threshold (25 lb/day) and 128.4 lb/day of CO, which would not exceed SLOAPCD's applicable thresholds. Long-term operations would result in minimal fugitive PM_{10} dust emissions. Refer to Impact 4.1-4 for discussion of project-generated operational-related emissions of TACs (i.e., PM_{10} exhaust [DPM]) .

Project-generated, operation- related emissions of ozone precursors could violate or contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial

pollutant concentrations, or conflict with air quality planning efforts. As a result, this would be a **significant** impact (Impact 4.1-2).

Please note that the Master Reuse Plan could include stationary sources (e.g., central heating boilers, kitchen equipment in cafeterias, and laundering equipment) of pollutants that would be required to obtain authorities to construct and permits to operate per SLOAPCD rules and regulations (e.g., Rule 202). These emissions are regulated by SLOAPCD through a separate permit process, and therefore are not modeled in the above analysis. The permit process would ensure that these sources be equipped with the required emission controls and that, individually, these sources would not cause a significant environmental impact. Nonetheless, the emissions from these sources would be additive to the estimated area and mobile source emissions discussed above.

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measures that will reduce impacts related to generation of long-term operation-related (regional) emissions of criteria air pollutants and precursors to less-than-significant levels:

- Implement continuous dust control measures (e.g., watering) in areas where dust emissions are visible; and

- CDCR will pay into SLOAPCD's off-site NO_X mitigation fund to further reduce operational ozone precursor emissions that exceed SLOAPCD's daily threshold of 25 lb/day. The fee will be based on the current rate of $16,400 to reduce 1 ton of NO_X. The determination of the final mitigation fee will be conducted in coordination with SLOAPCD. The fee will be paid to SLOAPCD in total before any ground disturbance.

Implementation of Mitigation Measure 4.1-2 would reduce operational ozone precursor emissions below SLOAPCD's applicable threshold of significance. More specifically, according to URBEMIS model defaults, the above mitigation measure and design to meet LEED® certification could reduce energy-related emissions associated with the reentry facility up to 20%. The remainder of ROG plus NO_X emissions would be reduced through the payment of off-site mitigation fees. As a result, this impact would be reduced to a **less-than-significant** level.

Significant Effect: Impact 4.1-4, Exposure of Sensitive Receptors to Emissions of Toxic Air Contaminants

Construction-Related Equipment Emissions

Construction-related activities would result in short-term project-generated emissions of DPM from the exhaust of off-road heavy-duty diesel equipment for site preparation (e.g., excavation, grading, and clearing); paving; application of architectural coatings; and other miscellaneous activities. DPM was identified as a TAC by ARB in 1998. The potential cancer risk from the inhalation of DPM outweighs the potential noncancer health impacts (ARB 2003).

The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., potential exposure to TACs to be compared to applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual (MEI). Thus, the risks estimated for a MEI are higher if a fixed exposure occurs over a longer period of time. According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the proposed project. Consequently, it is important to consider that the use of off-road heavy-duty diesel equipment would be limited to the construction period, which is approximately 1 year in regard to the more equipment intense phases. Also, studies show that DPM is highly dispersive (e.g., decrease of 70% at 500 feet from the source) (ARB 2006, Zhu and Hinds 2002). The nearest existing off-site sensitive receptor is located approximately 750 feet from the CDCR property and inmates would not be located on-site during the construction phase.

As discussed above, SLOAPCD has established thresholds of 7 lb/day and 0.13 tons/qtr (Tier 1) for emissions of DPM generated by construction activity. This analysis conservatively postulates that 100% of the PM_{10} exhaust emissions from heavy-duty equipment is DPM. As shown in Table 4.1-6, project-related construction activity would generate emissions of DPM at rates of approximately 9.7 lb/day, which would exceed SLOAPCD's daily threshold of 7 lb/day, and 0.11 tons/qtr., which would not exceed SLOAPCD's quarterly threshold of 0.13 tons/qtr. Because one of these two thresholds would be exceeded (i.e., the daily threshold of 7 lb/day), this would be a **significant impact** (Impact 4.1-4)..

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measures that will reduce to less-than-significant levels effects related to construction generated emissions of DPM:

The SLOAPCD-recommended standard mitigation measures for construction equipment included in Mitigation Measures 4.1-1 will be implemented by CDCR to reduce construction-related emissions of DPM and exposure to off-site receptors. Prior to commencement of grading and at least three months before construction activities commence, CDCR or its construction contractor will prepare a technical memo demonstrating that the construction-generated emissions of DPM will be below the significance thresholds of 7 lb/day and 0.13 ton/qtr.

In addition to reduction emissions of criteria air pollutants and precursors generated during project construction, implementation of Mitigation Measure 4.1-4 would reduce construction-generated DPM emissions and exposure to off-site receptors. Implementation of these measures would reduce construction-generated DPM emissions to levels below 7 lb/day and, thus, to a **less-than-significant** level.

Cumulatively Significant Effect: Generation of Emissions from Short-term Construction Activities and Long-Term Operational Activities

The Master Reuse Plan's incremental effect with respect to short-term construction-related and long-term operational emissions would be cumulatively considerable when added to an existing and potential future nonattainment status of the air basin, which is a significant cumulative impact on air quality. This cumulative impact would be **significant and unavoidable.**

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effects on air quality, have been incorporated by CDCR into the project. While these mitigation measures (Mitigation Measure 4.1-1, 4.1-2, and 4.1-4 of the EIR) would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to air quality is considered **significant and unavoidable.**

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

As discussed in Section 4.1 of the DEIR, "Air Quality," the Master Reuse Plan would generate construction-related and operational emissions that exceed SLOAPCD significance thresholds. Although these impacts would be mitigated to a less-than-significant level with implementation of SLOAPCD-recommended mitigation measures, when taken in total with other related emissions and the nonattainment conditions in the basin, these emissions would have a considerable contribution to a cumulatively significant impact.

The only alternative capable of reducing or eliminating this impact is the no project alternative, under which the project would not be constructed. The two reduced development alternatives would reduce this impact. However, for the reasons described in Section 1.4, these alternatives are not feasible.

Cumulatively Significant Effect: Project-Generated Greenhouse Gas Emissions (GHG) and Cumulative Contribution to Climate Change Impacts

The Master Reuse Plan would be anticipated to generate an estimated 9,835 metric tons of GHG emissions per year, directly or indirectly, that may have a significant impact on the environment. As a result, this incremental increase in GHGs would be cumulatively considerable and **significant.**

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effects on air quality, have been incorporated by CDCR into the project. While Mitigation Measure 4.1-2 (above) would reduce GHG emissions of the project, the cumulative impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to air quality is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

Implementation of Mitigation Measure 4.1-2 (above) is intended to reduce emissions of criteria air pollutants and precursors and would also result in some amount of emissions reduction in GHGs from area and mobile sources. Because of the close correlation between ozone precursor and GHG emissions from mobile sources, it is reasonable to expect that the manner in which ozone precursor emissions would be reduced would also be effective in reducing GHG emissions to a similar extent for applicable sectors. Implementation of Mitigation Measure 4.1-2 would reduce GHG emissions, but not to a level that would not be cumulatively considerable. The only alternative capable of reducing or eliminating this impact is the no project alternative, under which the project would not be constructed. The two reduced development alternatives would reduce this impact. However, for the reasons described in Section 1.4, these alternatives are not feasible. Therefore, this impact would remain cumulatively **significant and unavoidable** and the project's contribution would be considerable.

BIOLOGICAL RESOURCES

Potentially Significant Effect: Impact 4.2-1, Impacts on Sensitive Habitats

Sensitive habitats within the 160-acre project site include three ephemeral drainages (which are degraded), one seasonal wetland, and native oak trees. No construction activities or development is planned for the area that includes the seasonal wetland. Three ephemeral drainages are present on the 160-acre project site. The ephemeral drainages are low quality because they are dominated by nonnative plant species, lack vegetative diversity and structural complexity, and are near areas that are subject to regular disturbance or human activity. It is anticipated that most of the ephemeral drainage habitat identified in the preliminary mapping can be avoided because they are outside of the proposed project construction footprint.

One ephemeral drainage could potentially be disturbed with implementation of the proposed project. A new parking lot for the Estrella Facility would be constructed in the area of an ephemeral drainage that flows south off the CDCR property and connects downstream to Huerhuero Creek (Exhibit 4.2-1). Based on current plans, this drainage might be affected by the project, but it also may be avoided; more detailed, construction level plans would confirm the potential for this drainage to be affected. This ephemeral drainage conveys drainage water away from areas that are currently developed. Because the ephemeral drainage is narrow, dominated by nonnative plant species, and surrounded by developed areas with high levels of human activity, the habitat value of this channel is considered low. Fill of this drainage, if it occurs, would not substantially affect wetland habitat and is not significant, even if a regulatory permit may be required. Within the proposed CAL FIRE footprint, excavated ditches are present. The excavated ditches were constructed in uplands to convey precipitation and runoff away from developed areas. Wetland plants are not present in the shallow excavated ditches within the proposed CAL FIRE footprint. There are no wetlands or other waters of the United States within the footprint of the proposed Central Coast Regional Secure Community Reentry Facility (SCRF).

In general, CDCR does not allow trees within a prison facility due to security; they can affect site lines, be aids to escape if they overhang or are near fences, and can be used to hide confiscatory material (such as weapons). In the case of the project, considering the high community value and policies of the City of Paso Robles pertaining to oak tree preservation, CDCR has carefully inspected the site and each oak tree to determine if some could be retained, while still maintaining adequate security. Four mature valley oak

trees and one mature coast live oak would require removal along the northwest corner outside of the existing perimeter fence of the Estrella Facility and within the facility's perimeter and for the construction of the SCRF. Removal of other tree species would also be required to maintain high visibility within and surrounding the proposed Estrella Facility. Oak tree removal is not anticipated within the proposed CAL FIRE footprint. Mature oak trees provide important habitat for birds and other wildlife species. The oak trees that would be removed are considered potential nesting habitat for common and special-status raptors. The removal of five native oak trees, totaling 209 inches at diameter at breast height (dbh), within the Estrella and reentry project areas would be a potentially significant impact.

Implementing the Master Reuse Plan could result in the fill, during construction of the Estrella Facility, of one ephemeral drainage that provides low-quality habitat. Because the habitat quality is low and is subject to continuous disturbance under existing conditions, this is not a significant impact to wetlands. Impacts on wetlands and waters would be less than significant. Five mature oak trees would be removed from the Estrella and reentry facility footprints, resulting in impacts to nesting and wildlife habitat. Impacts to oak trees would be **potentially significant** (Impact 4.2-1).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels effects to sensitive habitats.

CDCR will implement the following measures to reduce impacts on native oak trees:

- Replace all native oak trees removed by project construction activity at an quarter inch-for-inch ratio. Replacement trees will be planted in the proposed restoration area (approximately 10 to 15 acres in size) in the southwest portion of the CDCR property where suitable soils are present to support the trees. Within the proposed restoration area, an area will be specifically designated as a "native oak restoration zone." CDCR will be responsible for ensuring that uses and activities not consistent with protection of replacement oaks are prohibited within the oak tree restoration area.

- Ensure that a restoration and maintenance plan is prepared by a qualified biologist. At a minimum, the restoration and maintenance plan will include the following information and/or adhere to the following guidelines:

    - A plant palette will specify the number of oaks to be planted, the specific location of the plantings, and sizes of planting containers. The plant palette will also specify any associated native planting. All associated planting and maintenance activities will be consistent with maintaining healthy replacement trees developing oak woodland habitat similar in characteristic to valley oak woodland habitat located in the project vicinity. No ornamental trees and shrubs will be planted in the restoration area.

    - All replacement oak trees will originate from local genetic stock. The size of replacement trees will be selected to ensure long-term restoration success. Container plants will be planted after the onset of fall rains and before the end of January.

- Before planting begins, the restoration area will be cleared of weedy vegetation that could compete for moisture and sunlight. Weed-free planting circles with 4-foot diameters will be established before the planting of oaks.

- The restoration plan prepared for the Master Reuse Plan will include provisions for the installation of a temporary irrigation system. Irrigation guidelines and specifications will be developed by a qualified biologist and incorporated into the restoration plan.

- The restoration plan will include a detailed description of recommended routine maintenance activities for the restoration area. Activities that are allowable and prohibited within the restoration area will be identified.

- The restoration plan will include a 5-year monitoring plan and describe the information to be collected on an annual basis, including oak health, survival, and growth; evidence of natural oak recruitment; presence of noxious weed species; and detection of animal or insect damage to oaks.

- The restoration plan will include annual success standards at regular milestones to help determine when the oak trees are established and self-sustaining. The primary success standards will include survival rates of oaks. The plan will include remedial measure that would need to be implemented if the success standards are not met at specified milestones. It is recommended that a minimum 80% survival rate be attained at the end of a 5-year period. The plan will describe remedial measures that will be implemented if the success standards are not met.

Implementation of these measures would reduce the impact to a **less-than-significant** level because trees lost through construction activities would be replaced on site.

Potentially Significant Effect: Impact 4.2-2, Impacts on Special-Status Species

Although several special-status species are known to occur in the vicinity of the CDCR property, many of these species have no potential to occur on the CDCR property because of the lack of natural plant communities and because the CDCR property is largely developed, landscaped, or subject to regular disturbance associated with lawn maintenance (i.e., mowing). Many of the special-status species documented in the vicinity of the CDCR property, as shown in Exhibit 4.2-1 of the DEIR, require habitat types with sustained hydrology such as vernal pools, intermittent drainages, or ponds, which are not present. The San Joaquin kit fox has been documented in the project vicinity (CNDDB 2010). However, the kit fox is not expected to occur on the CDCR property because only low-quality habitat is present. The habitat value is reduced further by the high-level routine disturbance associated with landscape maintenance and human activity. The potential for kit foxes to occur on property immediately adjacent to the CDCR property is also considered low because vineyards and other agricultural land uses are generally considered marginally suitable or unsuitable habitat for this species. Therefore, impacts on San Joaquin kit fox would be less than significant.

A number of special-status birds are known to occur in the vicinity, but the CDCR property provides limited foraging habitat for most of these species because a large portion of the property is previously developed. The nonnative annual grasslands present on the CDCR property and the fallow agricultural fields located to the north provide suitable foraging habitat for loggerhead shrike, a California Species of Special Concern. Although only small areas of marginally suitable nesting habitat would be removed by the project, implementation of the Master Reuse Plan would result in a potentially significant impact because it could result in the loss of an active loggerhead shrike nest. No direct observation or evidence of loggerhead shrike was found during field surveys. Special-status and common raptors could utilize

mature oak trees within the footprint of the proposed Estrella and reentry facilities as nesting sites. The Master Reuse Plan would result in the removal of five mature native oaks and would result in the loss of suitable raptor nest sites on the Estrella and reentry sites. The loss of an active raptor nest would be a significant impact. Though not identified at the time of the field survey and not documented within a 5-mile radius of the CDCR property, burrowing owls could occur within the Estrella and CAL FIRE sites. Potential habitat for this species is considered marginal and no evidence of burrowing owl use was found during field surveys. Nonetheless, because habitat is present and this species could occur, the loss of an active burrowing owl burrow would be a potentially significant impact.

Implementation of the Master Reuse Plan would result in the removal of mature valley oak trees that provide suitable nesting habitat for common and special-status raptors. Although habitat is only marginally suitable, burrowing owls and loggerhead shrike could potentially occur within proposed facility footprints. The loss of mature oak trees (suitable nesting habitat for common and special-status raptors), and the potential loss of burrowing owl and raptor nesting habitat would be a potentially significant impact (Impact 4.2-2).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels effects to special status species.

If trees are removed between September 1 and February 15, then no mitigation will be required to reduce impacts on nesting raptors. If trees are removed between February 16 and August 31, CDCR will implement the following measures to reduce impacts on nesting raptors:

- Retain a qualified biologist to conduct preconstruction surveys for loggerhead shrike and active raptor nests on and within 0.5 mile of the 160-acre project site no more than 14 days and no less than 7 days before tree removal. If no active nests are found, then no further mitigation will be required.

- If active nests are found, ensure that the qualified biologist establishes a buffer around the tree where the active nest is located. No project activity will commence within the buffer area until the qualified biologist confirms that the nest is no longer active or that the young have fully fledged. Monitoring of the nest by a qualified biologist may be required if the activity has potential to adversely affect the nest.

CDCR will implement the following measures to reduce impacts on burrowing owl:

- Retain a qualified biologist to conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 feet of the CDCR property. Surveys will be conducted before project activity and in accordance with DFG protocol (DFG 1995).

- If no occupied burrows are found in the survey area, submit a letter report documenting survey methods and findings to DFG, and no further mitigation is necessary. If occupied burrows are found, to the extent feasible, establish a buffer of 165 feet around the occupied burrow during the nonbreeding season (September 1–January 31) or 250 feet during the breeding season (February 1–

August 31). The size of the buffer area may be adjusted if a qualified biologist and DFG determine that adjusting the buffer size would not be likely to have adverse effects. No project activity will commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow will be preserved until the breeding season is over.

- If occupied burrows cannot be avoided, conduct on-site passive relocation techniques, approved by DFG, during the nonbreeding season to encourage owls to move to alternative burrows outside of the impact area. No burrows found by the survey to be occupied will be disturbed during the breeding season. After burrowing owls have been confirmed absent or removed from the site, the burrows may be destroyed.

Implementation of these mitigation measures would reduce the impact to a **less-than-significant** level.

Potentially Significant Effect: Impact 4.2-3, Impacts of Lethal Electrified Fence on Wildlife

The proposed Estrella Facility includes installation and operation of a lethal electrified fence within the double-fenced security perimeter. A lethal electrified fence is not proposed for the CAL FIRE facility or reentry facility. Based on statistics from other CDCR facilities with lethal electrified fences, electrocution of wildlife species, primarily birds, is expected to result after the fence becomes operational. Lethal electrocution would result only when an animal touches two wires simultaneously or touches one wire and an electrical ground. Therefore, birds and other wildlife could come in contact with the lethal electrified fence without being electrocuted. Based on monitoring data collected for the existing lethal electrified fences at CDCR prisons, birds are by far the most common wildlife group to be accidentally electrocuted, with mammals making up a relatively small percentage (CDCR 2009a, 2009b).

The magnitude of this impact can generally be predicted by analyzing data from CDCR facilities with lethal electrified fences in this region of California. A perimeter lethal electrified fence is in operation at California Men's Colony East (CMC-E), located approximately 24 miles to the southeast of the CDCR property. CMC-E is located north of San Luis Obispo, south of the El Chorro Regional Park and the Los Padres National Forest. Nonnative species have accounted for approximately 43% of the total mortality at CMC-E over the past 3 years. An average of 31 individuals of native species, none of which are considered sensitive, were accidentally electrocuted per year at CMC-E during the 2007–2008 and 2008–2009 monitoring periods (CDCR 2008, 2009a). CDCR categorizes sensitive species as those that meet the definition of special-status described above, as well as common raptor species. During July 2009, one sensitive species was killed on the lethal electrified fence at CMC-E, a loggerhead shrike. No species listed as threatened or endangered or candidates for listing under the ESA or CESA have been electrocuted on the CMC-E perimeter lethal electrified fence (CDCR 2008, 2009a).

Accidental mortality of native wildlife species and sensitive wildlife at the proposed Estrella Facility is expected to be lower than at CMC-E because of the lack of surrounding native vegetation communities compared to what surrounds the CMC-E facility. It can be assumed, based on statistical results from other CDCR facilities, that common birds would compose a very high percentage of the total wildlife electrocutions; however, it is not possible to accurately predict the species that would be killed or the frequency of electrocutions that would result from a lethal electrified fence at the proposed Estrella Facility. Monitoring results collected at other state prisons since 1994 supports the following assumptions:

- A lethal electrified fence at the proposed Estrella Facility could result in over 100 wildlife electrocutions annually. Statewide, in the 12-month period from June 2008 to June 2009, the total

number of wildlife electrocutions, including birds, at each of the state prisons with lethal electrified fences ranged from four to 768 animals (CDCR 2009a, 2009b). During that period, 3,902 animals were electrocuted at 28 prisons (CDCR 2009a, 2009b).

- Of the total, the large majority of animals electrocuted would be birds; avian species account for more than 95% of the statewide total in the most recent year of monitoring (CDCR 2009a, 2009b).

- Nonnative birds (e.g., house sparrow, European starling) would account for a substantial percentage of the total electrocutions. Statewide, nonnative species accounted for 64% of the total electrocutions in the last 12-month monitoring period (CDCR 2009a, 2009b). Sensitive species are anticipated to account for a very low percentage of electrocutions at the proposed Estrella Facility because of the lack of suitable surrounding habitat, high level of disturbance associated with the proposed Estrella Facility, and the low occurrences of sensitive species electrocutions at CMC-E, which is comparable to the environment where the proposed Estrella lethal electrified fence would be constructed.

To compensate for the loss of oak trees that would result from project implementation (see Impact 4.2-1 above), CDCR proposes establishing a restoration area in the southwest portion of the CDCR property. Currently, there is no evidence to suggest that establishment and maintenance of the restoration area would result in any increase in the potential for wildlife mortality compared to baseline conditions. The restoration area would be located approximately 580 feet from the closest section of the lethal electrified fence. In addition, the ruderal vegetation that currently dominates the restoration site attracts many of the bird species considered to be at risk of electrocution. The species are expected to occur in roughly the same number after completion of the proposed restoration. Because the potential for wildlife electrocution is not expected to differ substantially with implementation of the restoration component that would result in establishment of the valley oak restoration area, the restoration component would not measurably increase the magnitude of the impact described above.

Operation of a lethal electrified fence at the proposed Estrella Facility would result in the accidental death of an undetermined number of animals. The large majority of electrocutions would result in the death of birds, some of which are protected under the Migratory Bird Treaty Act (MBTA) and the Fish and Game Code. This impact would not eliminate any resident or migratory bird species and it is not expected to reduce species diversity in the project vicinity. Although not expected, it is possible that the local population of one or more native birds, protected by MBTA and the Fish and Game Code, could be substantially affected. Therefore, this would be a **potentially significant** impact (Impact 4.2-3).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce wildlife electrocutions to less-than-significant levels:

CDCR will initiate coordination with USFWS and DFG regarding the proposed project and anticipated wildlife mortality and will take appropriate actions to minimize wildlife electrocutions to the extent feasible and compensate for unavoidable impacts on native wildlife species. It is anticipated that this would be accomplished using the tiered mitigation approach developed as part of the Statewide Electrified Fence Project, which includes the existing lethal electrified fences at CMC-E. Formal

consultation with USFWS and DFG and permitting under ESA and CESA is not proposed because no federally listed or state-listed species or candidates for listing are considered at risk of accidental electrocution. CDCR is committed to implementing the three tiers of mitigation outlined below to off-set potential adverse effects to birds protected under the MBTA and the California Fish and Game Code.

- *Tier 1:* The first tier of mitigation measures are those designed to eliminate or reduce wildlife attractants near the prison perimeter by implementing specific maintenance and operation procedures. By making the perimeter less hospitable, wildlife will frequent this area less often, thus reducing their exposure to accidental electrocution. Tier 1 maintenance and operation procedures will be developed specifically for the Estrella Facility and incorporated into a handbook and a training module to be used by CDCR staff when the proposed Estrella Facility becomes operational.

- *Tier 2:* Second-tier mitigation measures consist of both exclusion and deterrent devices. Tier 2 measures to be installed on the proposed lethal electrified fence include a vertical netting system and anti-perching devices. CDCR will install three-quarter-inch mesh vertical netting enveloping both sides of the lower section of the lethal electrified fence, which would otherwise present the greatest danger to wildlife species at risk of electrocution. Anti-perching wires, which consist of 2- to 4-inch pieces of stiff wire connected to an aluminum base, will be strategically attached to the tops of perching sites in and near the perimeter. Once installed, this wire will reduce the ability of birds to perch near the lethal electrified fence, thus reducing exposure to accidental electrocutions.

- *Tier 3:* The third tier includes mitigation to compensate for residual wildlife mortality impacts. CDCR will provide funds for implementation of a habitat enhancement, creation, and/or management project that would improve opportunities for reproductive success of birds likely to be adversely affected by the project. Mechanisms for implementation of the mitigation would be similar to those previously utilized by CDCR for the Statewide and Six Prison Electrified Fence Projects and may include additional funding for a project to which CDCR has already contributed as part of these existing projects. The mitigation could be implemented at federal, state, or private lands located anywhere in California if they support a large percentage of the species at risk of electrocution at the proposed Estrella Facility. The amount of funding contributed would depend on the acreage of habitat that would benefit from the mitigation. The mitigation acreage required would be determined based on the anticipated annual mortality of native birds and the area required supporting an equivalent number of individuals of the species at greatest risk of electrocution.

Implementation of this mitigation measure would reduce the impact to a **less-than-significant** level, because appropriate measures would be implemented to minimize impact to wildlife consistent with permit requirements.

Significant Effect: Impact 4.2-5, Consistency with Local Plans, Policies, and Ordinances

CDCR, as a state agency, is a sovereign entity and is not subject to local plans and policy regulations. Local policies and ordinances through the *City of El Paso de Robles General Plan* (2003) protect sensitive biological resources in the vicinity of the CDCR property. Specifically, City policies require a tree removal permit. Implementation of the Master Reuse Plan would result in the removal of five mature native species, including four valley oaks and one coast live oak, and has the potential to adversely affect special-status species, including raptors, by decreasing suitable nesting habitat. The City considers removal of any native oak tree greater than 6 inches at dbh to be a significant impact. This adopted threshold is an indication of a significant local impact on native trees. Removal of nonnative trees would not be considered a significant impact under CEQA because nonnative trees are not considered an important biological resource. Further, the removal of nonnative trees is not identified as a significant

impact on a local level by the City. Although CDCR is not subject to local plans and policies, CDCR does consider such plans in determining whether a significant local impact would occur.

Because native tree species provide important habitat for special-status species and removal of mature trees (trees greater than 6 inches at dbh) could degrade this habitat, CDCR considers the removal of mature native trees at the Estrella Facility and reentry facility to be a **significant** impact (Impact 4.2-5).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to **less-than-significant** levels effects to native oak trees:

CDCR will implement the measures outlined under Mitigation Measure 4.2-1 (above) to reduce impacts on native oak trees.

CULTURAL RESOURCES

Potentially Significant Effect: Impact 4.3-2, Construction-Related Impacts on Presently Undocumented Cultural Resources

Although no cultural resources were documented within or in the immediate vicinity of the CDCR property, the CDCR property is situated in a region where CRHR-eligible prehistoric and historic-era cultural resources have been documented. Although no cultural resources are known to be present within the CDCR property (i.e., Estrella and CAL FIRE sites), such resources could be present in subsurface contexts that were not identifiable during the archaeological investigations.

Because the facilities proposed under the Master Reuse Plan would be located in an area where "unique" or "historical" resources (per CEQA criteria) could be encountered during project implementation, disturbances of such resources would constitute a **potentially significant** impact (Impact 4.3-2).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels effects to cultural resources:

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains) is made during construction activities at the Estrella, CAL FIRE, and reentry site, ground disturbances in the area of the find will be halted and a qualified professional archaeologist will be notified regarding the discovery. The archaeologist will determine whether the

resource is potentially significant per the CRHR and will develop appropriate mitigation to protect the integrity of the resource and ensure that no additional resources are affected. Mitigation could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

Implementation of the above mitigation measure would reduce the impact to a **less-than-significant** level because if any resources are found during construction, CDCR would follow all procedures necessary to preserve or archive resources.

Potentially Significant Effect: Impact 4.3-3, Construction-Related Impacts on Presently Undocumented Human Remains

Although no evidence for prehistoric or early historic-era interments was found on the CDCR property in surface contexts, this does not preclude the existence of buried human remains. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in Sections 7050.5 and 7052 of the California Health and Safety Code and Section 5097 of the California Public Resources Code. Construction activities associated with the Master Reuse Plan could potentially result in the disturbance of presently undocumented prehistoric or historic-era human remains.

Because construction activities associated with the Master Reuse Plan could potentially result in the disturbance of presently undocumented prehistoric or historic-era interments, human remains, and/or associated grave-related articles, this impact would be **potentially significant** (Impact 4.3-3).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels effects to cultural resources:

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, potentially damaging excavation in the area of the burial will be halted and the San Luis Obispo County Coroner and a professional archaeologist will be contacted to determine the nature and extent of the remains. CDCR Project Director shall also be notified immediately. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]).

Following the coroner's findings, the State of California, CDCR contractor, an archaeologist, and the NAHC-designated Most Likely Descendant (MLD) will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

The responsibilities for acting upon notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code.

The State of California will ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD will have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall implement one or more of the following measures:

- record the site with the NAHC or the appropriate Information Center,
- utilize an open-space or conservation zoning designation or easement, and/or
- record a document with the county in which the property is located.

The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also reinter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of the above mitigation measure would reduce the impact to a **less-than-significant** level because if any human remains are found during construction, CDCR would follow all procedures necessary to inform descendants and follow the procedures to archive, rebury, or otherwise preserve resources, as required.

GEOLOGY AND PALEONTOLOGY

Potentially Significant Effect: Impact 4.5-4, Impacts on Paleontological Resources

Construction of the full CAL FIRE conservation camp and the reentry facility could result in ground disturbance for building foundations and utility line installation that could exceed 10 feet in depth. Portions of the CDCR property are underlain by Pleistocene-age sediments, which are considered a paleontologically sensitive rock unit under SVP guidelines (1995). As discussed in Section 4.5.1, "Existing Conditions," vertebrate fossils are recorded as located in sediments referable to the Miocene Monterey and the Pliocene Sisquoc formations. Criteria for assessing the importance of a paleontological resource, including individual vertebrate-fossil specimens, is outlined in Section 4.5.1, "Criteria for Assessing Paleontological Resources," of this EIR. The fact that vertebrate fossils have been recovered relatively near to the CDCR property suggests that additional similar fossil remains could be uncovered during construction-related earthmoving activities at the conservation camp site. Therefore, the Master Reuse Plan would have the potential to disturb potentially significant paleontological resources.

Construction under the Master Reuse Plan could potentially damage vertebrate fossils. This impact would be **potentially significant** (Impact 4.5-4).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels effects to paleontological resources:

Before the start of grading, excavation, or demolition at the CAL FIRE or reentry facility locations, CDCR will retain a qualified paleontologist or archaeologist to alert all construction personnel involved with earthmoving activities, including the site superintendent, about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered. If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify the CDCR Project Director. CDCR will retain a qualified paleontologist to evaluate the resource and prepare a mitigation plan in accordance with SVP guidelines (1996). The mitigation plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by CDCR to be necessary and feasible will be implemented before construction activities can resume at the site where the paleontological resources were discovered.

Implementation of this mitigation measure would reduce potentially significant impacts related to potential damage to unique paleontological resources to a **less-than-significant** level because construction workers would be alerted to the possibility of encountering paleontological resources, and if resources were encountered, fossil specimens would be recovered and recorded and would undergo appropriate curation.

HAZARDS AND HAZARDOUS MATERIALS

Potentially Significant Effect: Impact 4.6-2, Exposure of Construction Workers and the Environment to Hazardous Materials

Construction-related activities, such as the use of equipment that contains hazardous materials (e.g., diesel-fueled equipment), the excavation and transportation of contaminated soil, and the demolition and renovation of existing older structures, could expose construction workers and the environment to hazardous materials. Development of the Master Reuse Plan would involve grading, excavation, and construction of new facilities. Potential sources of hazardous materials that exist within the project footprint are summarized below.

UST Excavation Area

Four Underground Storage Tanks (USTs) that contained unleaded gasoline were removed from the former DJJ facility Shop No. 46 area in May 1997. Analytical results from soil samples collected in 1997 suggested that one of the USTs had leaked and required further investigation to assess residual petroleum hydrocarbons, and approximately 10 cubic yards of soil was excavated and disposed of off-site. In 2003,

approximately 2,000 cubic yards of soil from the UST excavation area was removed to a depth of approximately 25–30 feet below ground surface (California Department of General Services 2009:1-2). Monitoring activities are still ongoing at the site. Construction activities at or near the UST excavation area could expose construction workers to residual contaminated soil or MTBE-contaminated perched groundwater. In addition, unknown or undocumented USTs may exist that could be discovered during construction and grading activities. No USTs are known to be located within the reentry site. However, uncovering an undocumented UST on the CDCR property could expose construction workers to contaminated soils, could damage equipment, or cause injury to construction workers. Furthermore, the presence of contamination in on-site soils could create a significant environmental or health hazard if left in place.

Older Structures

Because of the age of the former DJJ and CAL FIRE buildings and structures, there is a high likelihood that lead-based paint and asbestos-containing materials may be present in building materials and CDCR staff has indicated that such materials are present in CDCR property buildings and structures. In addition, electrical switches, light ballasts, and transformers containing PCBs may also be present. If allowed to deteriorate, these materials could result in localized lead and asbestos contamination. These materials could also become airborne during demolition and renovation activities and create a hazard for construction workers at the site. Exposure to asbestos and/or lead as well as PCBs could lead to substantial health effects, and therefore would be significant impacts.

A hazardous waste storage shed and a recycling shed are located along the northern boundary of the reentry site. The hazardous materials storage shed was used to temporarily store wastes such as oils and batteries before being hauled from the site. No soil staining was observed around the perimeter of the hazardous materials storage shed (Vanir 2010:3). The removal of these structures could result in the exposure of construction workers to these substances. This impact would be potentially significant.

Former Agricultural Uses

Lands within the city and project area have historically been used for agricultural purposes. Although no structures existed on the CDCR property until the late 1940s, portions of the CDCR property have been used for agricultural purposes (i.e., orchard) in the past. Phase I ESAs have not been prepared for the Estrella Adult Correctional Facility or for the CAL FIRE facility. A Phase I ESA was prepared for the approximately 15-acre reentry facility site in 2010. The assessment revealed no evidence of recognized environmental conditions in connection with the reentry site (Vanir 2010:ii). However, agricultural activities were and are currently common in the project area and these activities often involve application of pesticides, herbicides, and chemical fertilizers. Residual agricultural chemicals such as these may still exist as a result of past agricultural operations on-site and include chlorinated pesticides, carrier fluids (i.e., petroleum hydrocarbon–based), and heavy metals. Implementation of the Master Reuse Plan would require excavation and other earth-moving activities that may result in exposure of construction workers to hazardous agricultural chemicals. Several shallow drainage swales traverse the CDCR property and may have been contaminated by pollutants. Additionally, buried agricultural structures such as drainage pipelines may exist below the ground surface. Excavation and grading activities may result in the unearthing of the structures, which could damage equipment or cause injury to construction workers. This impact would be potentially significant.

Site soils and older buildings could contain hazardous chemicals or materials. Because the CDCR property could contain petroleum hydrocarbons, fuel oxygenates, PCBs, and hazardous building materials such as lead-based paint and asbestos-containing materials, as well as residual agricultural chemicals such

as chlorinated pesticides, construction workers and the environment could be exposed to these materials. This impact would be **potentially significant** (Impact 4.6-2).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce potential exposure of construction workers and the environment to hazardous materials to less-than-significant levels.

Before any grading, construction, demolition, or renovation activities, CDCR will implement the following measures to address potentially contaminated soils and building materials on the CDCR property:

- Prepare a soil management plan that will include a site health and safety plan and other aspects, which could include but are not limited to a description of the distribution of known and potential soil contaminants, methods of containing contaminated soil, and procedures for the management and disposal of waste soils generated during construction activities. The plan will outline measures that will be employed to protect construction workers and the public from exposure to hazardous materials during demolition, renovation, and construction activities. The soil management plan will be reviewed and approved by a Certified Industrial Hygienist before the start of earth-moving activities, and implemented by the selected contractor.
- In the event that contaminated groundwater is encountered during site excavation and construction activities, direct CDCR's contractor to report the contamination to the appropriate regulatory agencies, dewater the excavated area, and treat the contaminated groundwater to remove contaminate before discharge in the sanitary sewer system. Construction shall be halted in the area where the contaminated groundwater is encountered until contamination is removed, or unless otherwise permitted by the Regional Water Quality Control Board. The contractor will be required to comply with all applicable federal, state, and local laws and regulations.
- In the event that contaminated soil is encountered during construction, complete soil removal activities in accordance with state and local regulatory requirements. CDCR will contact DTSC to discuss the findings and approach for remediation. Typically, DTSC requires a contractual arrangement (voluntary cleanup agreement) to fund its oversight costs during the removal action. If required by DTSC, CDCR will prepare a work plan for conducting additional investigations and will prepare a remedial action work plan before contaminated soil is excavated. The plan will outline measures for specific handling and reporting procedures for hazardous materials, and disposal of hazardous materials removed from the site at an appropriate off-site disposal facility. The contractor will be required to comply with the plan and applicable federal, state, and local laws and regulations.
- In the event of discovery of an undocumented or previously unknown UST or agricultural structure (e.g., wells) on the CDCR property, cease all construction activities adjacent to the UST or structure and contact the City of Paso Robles Department of Emergency Services immediately. Any USTs or agricultural structures discovered during construction will be removed and any contaminated soils will be excavated and treated according to City of Paso Robles Department of Emergency Services procedures before the resumption of construction.

- Before demolition or renovation of any structures, test materials to be removed for the presence of asbestos and lead. Any lead-containing paint and asbestos-containing material encountered will be removed according to federal, state, and local regulations, including appropriate notification, equipment, handling, and disposal. Consistent with the requirements of the SLOAPCD, friable asbestos-containing material will be properly disposed of as asbestos waste in accordance with applicable air quality regulations.

- If loose and peeling paint is encountered during demolition or renovation, conduct sampling and analysis for leachable lead content to characterize the waste. As required by 8 CCR 1532.1, CDCR will provide monitoring of lead in the air, adaptive work practices, and respiratory protection to avoid exposure to the presence of even very low levels of lead where the lead is loose and peeling.

- Prepare a toxics management plan that will include a site health and safety plan and other aspects, which could include but will not be limited to a description of the distribution of known and potential PCBs, methods of containing PCB-contaminated materials, and procedures for the management and disposal of PCB-related waste generated during construction activities. The plan will outline measures that will be employed to protect construction workers and the public from exposure to PCBs during demolition, renovation, and construction activities. The plan will be reviewed and approved by a Certified Industrial Hygienist before the start of grading, construction, demolition, or renovation activities, and implemented by the selected contractor. PCBs will be managed in accordance with applicable federal, state, and local laws and regulations.

Implementation of the Mitigation Measures 4.6-2 would reduce the likelihood of exposure of construction workers and the environment to potential sources of hazardous materials for the following reasons: preparation and implementation of a soil management plan would create specific remedial action measures such as removal of contaminated soil and replacement with clean fill dirt, which would reduce human exposure to contaminated soil; preparation and implementation of a toxics management plan would reduce human exposure to PCBs; additional analysis of loose or peeling paint during demolition and appropriate disposal practices in accordance with federal and state regulations would reduce exposure of construction workers to lead-based paint; and further investigation of the presence of asbestos in on-site structures as well as asbestos removal and disposal in accordance with applicable air quality regulations before demolition or renovation would reduce the likelihood of exposure of construction workers to asbestos. Implementing this mitigation measure would reduce the impacts to a **less-than-significant** level.

Potentially Significant Effect: Impact 4.6-3, Potential for Safety Hazards Associated with Proximity to Paso Robles Municipal Airport

The CDCR property is adjacent to the Paso Robles Municipal Airport. Implementation of the Master Reuse Plan involves the renovation of existing facilities and construction of new facilities and structures, including two 35-foot-tall observation towers, five 35-foot-tall pole-mounted lights along the eastern secure perimeter fence, and an approximately 12-foot-tall double perimeter security fence.

Caltrans' Airport Land Use Planning Handbook

Caltrans' *Airport Land Use Planning Handbook* was utilized as a technical resource in preparing this EIR. The handbook does not discourage the activation of an institutional land use at an existing facility near the airport, although it does suggest that new schools, hospitals, and nursing homes should be prohibited in certain Safety Zones. Most of the technical provisions of the *Handbook* have been incorporated into the *San Luis Obispo County Airport Land Use Plan.*

San Luis Obispo County Airport Land Use Plan

The *Paso Robles Municipal Airport Land Use Plan* (ALUP) describes six safety compatibility zones that are intended to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents (San Luis Obispo County 2007:4-9). The CDCR property is primarily within Safety Zone 5 and a small portion of the southeastern portion of the property (parking lot of the Estrella Facility) is located within Safety Zone 3 (see Exhibit 4.6-1).

This ALUP sets forth land use compatibility policies applicable to future development in the vicinity of the airport. The compatibility policies were designed to ensure that future land uses in the area surrounding the airport would be compatible with the foreseeable aircraft activity.

The *Paso Robles Municipal Airport Land Use Plan* contains a land use matrix that lists those land uses that are compatible or prohibited within each safety zone. A review of the matrix indicates that institutional uses including "All Schools, Hospitals, Correctional Facilities" should be prohibited within Zones 1–5. This includes both Zones 3 and 5. The report states that:

> Prohibited land uses are designated in the Land Use Matrix by the symbol "X" (in the matrix). The associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft overflying the proposed use, or the land use groups are sensitive to anticipated aircraft noise or frequent aircraft overflights.

Prohibited actions are considered to be inconsistent with the plan and are normally subject to review by the San Luis Obispo Airport Land Use Commission (SLOALUC). The Master Reuse Plan would appear to be an incompatible use with the airport. However, in making this determination, the SLOALUC would likely also consider the historical use of the CDCR property. In this case, CDCR has a long-standing history of operating correctional and CAL FIRE facilities on the property during operation of the airport. Although new facilities would be constructed under the Master Reuse Plan, these facilities would continue to support historical correctional activities on the site.

Regarding land uses on the CDCR property in Safety Zone 3, the only land use that would occur in Safety Zone 3 under the Master Reuse Plan is a paved parking area. Parking would normally be considered compatible with aircraft operations within Safety Zone 3.

Regarding Safety Zone 5, many of the proposed land uses under the Master Reuse Plan would be acceptable on an individual basis (e.g., open fields, athletic fields, office buildings, public buildings, personal services, health clinics) based on the land use matrix in the *Paso Robles Municipal Airport Land Use Plan*. Therefore, many of the existing and proposed on-site facilities would be considered to be compatible with the plan. However, when considered in aggregate, correctional facilities are considered a prohibited land use by the SLOALUC.

The *Paso Robles Municipal Airport Land Use Plan* has also established maximum allowable densities for nonresidential land uses (SLOALUC 2007:4-12). For Safety Zone 4, the maximum land use density for a property would be 150 person/acre. Staff of the SLOALUC indicated that this threshold would be applicable to the CDCR property (Robeson pers. comm., 2010). Under the Master Reuse Plan, a total of 1,630 inmates and 998 staff would be located on the CDCR property. Assuming that an additional 100 visitors may be located on-site at any one time, the Master Reuse Plan would result in a total density of 17 persons per acre (i.e., 2,728 people/160 acres), which is substantially below the maximum density threshold in the *Paso Robles Municipal Airport Land Use Plan*.

CDCR has met with staff of the Paso Robles Municipal Airport and SLOALUC (April 29, 2010, at the airport). Based on discussions held in that meeting, the density of on-site land uses is the primary concern for the site (Robeson, pers. comm., 2010). Based on the discussion provided above, the Master Reuse Plan would result in maximum land use densities that are substantially below allowable levels. CDCR, as a state agency, is not subject to local land use policies and plans. Although CDCR has considered the Master Reuse Plan's consistency with the *Paso Robles Municipal Airport Land Use Plan*, it has final authority to determine whether the Master Reuse Plan would result in incompatibilities that could result in adverse safety impacts.

Airspace Obstructions

The standards for determining obstructions in navigable airspaces are described in FAR Part 77, "Objects Affecting Navigable Airspace." As described in the standards for noticing the FAA about proposed construction activities, Section 77.13, "Construction or Alteration Requiring Notice" for projects within 20,000 feet of a public use airport (with at least one runway more than 3,200 feet in length), any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100 to 1 from the nearest point of the nearest runway shall notify the FAA in the form and manner as described in Section 77.17. The proposed project is located within 1,500 feet of the airport's northeast to southwest runway. At this distance, in order to require FAA notification, project structures would need to be at least 15 feet tall (1,500 feet away at a 100:1 slope). CDCR would be required to notify the FAA because the project includes two 35-foot-tall observation towers and five 35-foot-tall perimeter pole-mounted lights. Therefore, the proposed project may be inconsistent with Airspace Protection Policy 4.6.2, Policy A-1 of the ALUP. Because FAA notification and consistency determination would be required, project structures might constitute a hazard to air navigation.

Because the Master Reuse Plan would increase the number of nonconforming buildings at the CDCR property, and would result in the construction of two 35-foot-tall observation towers, five 35-foot-tall pole-mounted lights, and a lethal electrified fence, the Master Reuse Plan may be incompatible with the ALUP and could expose CDCR property occupants and aircraft to airport-related safety hazard. This impact would be **potentially significant** (Impact 4.6-3).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce potential for safety hazards associated with proximity to the airport to less-than-significant levels.

Before approval of final project design plans, CDCR will notify the FAA in accordance with FAR Part 77, Section 77.17. CDCR will send one executed form set of FAA Form 7460-1, "Notice of Proposed Construction or Alteration" to the FAA regional office having jurisdiction over the project area. CDCR will also refer to the FAA's Obstruction Evaluation/Airport Airspace Analysis Web site for additional information and guidance (https://oeaaa.faa.gov/oeaaa/external/portal.jsp). If the FAA obstruction evaluation determines that any project features constitute a hazard to air navigation, then CDCR will proceed through any required or recommended FAA regulatory approval process, and implement mitigation measures as required by the FAA. The FAA evaluation can result in a determination that a project structure:

- does not require notice to the FAA,
- is not identified as an obstruction under FAR Part 77 criteria,
- is identified as an obstruction but would not be a hazard to air navigation, or
- is identified as an obstruction and would be a hazard to air navigation.

CDCR will notify and periodically update Paso Robles Municipal Airport staff of upcoming and on-going construction activities at the CDCR site.

Implementing this mitigation measure would reduce the impact to a **less-than-significant** level because all appropriate evaluations and notifications would be provided to the FAA and SLOALUC, and project facilities would be designed such that they would not create an obstruction to navigable airspace.

HYDROLOGY AND WATER QUALITY

Potentially Significant Effect: Impact 4.7-2, Increase in Surface Runoff Potentially Exceeding the Capacity of Existing or Planned Stormwater Drainage Systems

Implementation of the Master Reuse Plan would result in the addition of impervious surfaces. Approximately 14.5 acres of new pavement and buildings would be constructed. Topography across the site is gently rolling and in general slopes downward from east to west. Several drainage swales, ephemeral drainages, piped storm drain systems, and drainage culverts are located throughout the CDCR property.

Implementation of the Master Reuse Plan would result in impervious surfaces on land that is currently undeveloped nonnative annual grassland. Therefore, the Master Reuse Plan would substantially alter land use and drainage patterns. Although a formal hydrologic analysis of the site has not been performed, several preliminary drainage system design alternatives are being considered as part of the Master Reuse Plan:

- **Onsite Detention:** Within the CDCR property, many open spaces exist where shallow depressions can be constructed to act as detention basins for the increased runoff. Individual buildings, parking areas, roadway segments, and other project components can have a single shallow basin or series of shallow basins that collect rooftop and hardscaped runoff, detain the runoff, and deliver it to perimeter drainage swales. Necessary long-term maintenance would be identified.

- **Low-Impact Development (LID) Techniques:** Potential LID techniques may include pervious pavement, use of on-site water infiltration techniques, use of surface drainage systems (instead of using underground pipes), decentralized detention facilities, and rainwater cisterns. LID techniques can help to significantly reduce the size of necessary flood control facilities and minimize stormwater runoff pollution, stream erosion and sedimentation, and stream channel alteration resulting from conventional development practices.

Further, the reentry facility is being designed to meet U.S. Green Building Council, Leadership in Energy and Environmental Design (LEED®) Silver design standards, which incorporates measures to minimize stormwater generation. It is anticipated that any necessary onsite drainage improvements for the Estrella Adult Correctional Facility would be constructed primarily within areas that are already developed or disturbed. Further, it is anticipated that project-generated stormwater would be detained onsite such that the rate of flow from the detention basin would be limited to the rate that historically occurred prior to development. However, final plans have not been prepared at this time.

Because final drainage design specifications have not been completed, including stormwater flow paths based on a finalized Master Reuse site plan, implementation of the Master Reuse Plan has the potential to cause an increase in surface runoff that would exceed the capacity of the stormwater drainage system, resulting in on- and offsite flooding.

Implementation of the proposed Master Reuse Plan would increase the amount of impervious surfaces at the CDCR property, thereby increasing surface runoff. This increase in surface runoff would result in an increase in both the total volume and the peak discharge rate of stormwater runoff, and could result in exceeding the capacity of onsite stormwater systems and greater potential for on- and off-site flooding. Therefore, this impact would be **potentially significant** (Impact 4.7-2).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels effects related to increase in surface runoff potentially exceeding the capacity of existing or planned stormwater drainage systems:

Before any construction-related ground disturbance, final drainage plans will be completed to demonstrate that all runoff would be appropriately conveyed through the CDCR property and would not leave the property at rates exceeding pre-project runoff conditions. As part of the final design process, CDCR will coordinate with the City of Paso Robles to ensure that the proposed drainage plans are consistent with local requirements. The plan will include but not be limited to, the following items:

- an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods that accurately evaluate potential changes to runoff, including increased surface runoff;
- a description of the proposed maintenance program for the onsite drainage system;
- installation of a drainage basin to accommodate onsite stormwater flows designed to be consistent with the requirements of the City of Paso Robles SWMP and provide enough storage to accommodate the difference between calculated 10-year storm peak run-off of the existing site and the 100-year storm runoff of the developed site; and
- a description of the project-specific standards for installing drainage systems.

Implementation of Mitigation Measure 4.7-2 would reduce the significant impact associated with increased surface runoff that would exceed the capacity of the stormwater drainage system, resulting in on- and offsite flooding to a **less-than-significant** level by providing adequate onsite storm drainage facilities to accommodate the Master Reuse Plan's stormwater demands and reducing runoff from the CDCR property to rates not exceeding pre-project conditions.

NOISE

Potentially Significant Effect: Impact 4.9-1, Exposure of Sensitive Receptors to Temporary Construction-Generated Noise in Excess of Applicable Standards

Construction activities that would occur on the CDCR property would include site preparation (e.g., demolition, excavation, grading, and clearing), trenching, pouring of concrete foundations, paving, steel structure erection, exterior enclosure, interior build out, equipment installation, finishing, and cleanup. No pile driving or rock blasting is anticipated to occur.

Construction noise levels would fluctuate depending on the particular type, number, and duration of usage for the various pieces of equipment. Construction noise would also depend on the types of construction activities occurring on any given day, noise levels generated by those activities, distances to noise-sensitive receptors, and the existing ambient noise environment in the vicinity of the receiver. Construction generally occurs in several discrete stages, with each operation varying the equipment mix and the associated noise characteristics. These stages alter the characteristics of the noise environment generated on the CDCR property and in the surrounding community for the duration of the construction process.

The site preparation phase typically generates the most substantial noise levels because of onsite equipment associated with grading, compacting, and excavation. Site preparation equipment includes backhoes, bulldozers, and loaders; excavation equipment such as graders and scrapers; and compaction equipment. Operational noise levels for typical construction activities would range from 74 to 90 dB at a distance of 50 feet. Continuous combined noise levels generated by the simultaneous operation of the loudest pieces of equipment would result in noise levels of 90 dB at 50 feet. Accounting for the usage factor of individual pieces of equipment, construction activities that would occur under the Master Reuse Plan would be expected to result in hourly average noise levels of 86 dB L_{eq}, at a distance of 50 feet. Maximum noise levels generated by construction activities are not predicted to exceed 90 dB L_{max} at 50 feet.

The nearest offsite noise-sensitive receptor in the vicinity of the Estrella or CAL FIRE facility is the single-family residential land use located approximately 1,150 feet north of the acoustical center of the CAL FIRE site. The nearest offsite noise-sensitive receptor near the CDCR property in the vicinity of the proposed reentry facility is the single-family residential land use located approximately 750 feet north of the acoustical center of the reentry facility site and approximately 1,150 feet north of the acoustical center of the CAL FIRE site. Construction operations and related activities are predicted to generate daytime exterior hourly noise levels of 58 dB L_{eq} and 62 dB L_{max} at the nearest noise-sensitive receptor to the CAL FIRE site (less for activities at the Estrella site). Construction activities at the reentry site would result in slightly higher noise level of 62 dB L_{eq} and 66 dB L_{max} at this same receptor because of the closer proximity of the reentry site to this receptor.[1]

Noise from construction activity that occurs between 7 a.m. and 7 p.m. each day is exempt from the provisions of the applicable noise regulations under City of Paso Robles Code of Ordinances Section 9.07.030(i). CDCR proposes to conduct noise-generating construction activities during these hours. However, if construction activities by contractors were to occur during nonexempt noise-sensitive hours (i.e., evening, nighttime, and early morning) or if construction equipment is not properly equipped with

noise control devices to reduce noise as much as is feasibly possible, project-generated noise levels from construction sources could exceed the applicable standards at nearby noise-sensitive receptors and could result in a substantial temporary increase in the ambient noise environment. Therefore, this impact would be **potentially significant** (Impact 4.9-1).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce the potential effects related to temporary construction-generated noise to less-than-significant levels:

CDCR will implement the following noise-reducing measures during all noise-generating construction activities:

- Conduct all noise-generating construction activities between 7 a.m. and 7 p.m., which is consistent with the City Noise Ordinance.
- Properly maintain construction equipment per manufacturers' specifications and fit equipment with the best available noise suppression devices (e.g., mufflers, silencers, wraps). All impact tools (e.g., jackhammers) will be shrouded or shielded and all intake and exhaust ports on power equipment will be muffled or shielded.
- Do not idle construction equipment for extended periods of time (i.e., more than 5 minutes) in the vicinity of noise-sensitive receptors.
- Locate fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) as far as possible from noise-sensitive receptors.
- Designate a disturbance coordinator, who will post contact information in a conspicuous location near the entrance so that it is clearly visible to nearby receptors most likely to be disturbed. The coordinator will manage any complaints resulting from the construction noise and will contact nearby noise-sensitive receptors, advising them of the construction schedule. If a complaint about construction noise is received more than once by an individual noise-sensitive receptor, CDCR will retain a qualified acoustical consultant to ensure compliance with applicable standards.

With implementation of the above mitigation measure, this impact would be reduced to a **less-than-significant** level.

Potentially Significant Effect: Impact 4.9-3: Exposure of Sensitive Receptors to Permanent Stationary Source–Generated Noise in Excess of Applicable Standards

Emergency generators supply necessary power requirements to vital systems within the facilities, ensuring public safety and the health and safety of residents and correctional personnel. Emergency generators are typically operated under two conditions: loss of main electrical supply (infrequent) or preventive maintenance/testing (occurs on a weekly basis). This analysis focuses on routine preventive maintenance and testing operations, which are conducted on a periodic basis. Detailed plans for the

locations and types of emergency electrical generators for the Estrella, CAL FIRE, and reentry facilities were not available; however some of the units may be located close to the property line. Reference noise-level measurements conducted for emergency generators with rated power outputs from 25 kilowatts (kW) to 220 kW resulted in noise levels ranging from 61 to 73 dB L_{eq} and 63–84 dB L_{max}. Based on these reference noise levels, emergency electrical generators located within 700 feet of noise-sensitive land uses could potentially exceed the level specified by the City for daytime stationary-source noise, 50 dB L_{eq}. In addition, generators located within 1,200 feet of noise-sensitive land uses could potentially exceed the level specified in the *City of El Paso de Robles General Plan* for nighttime stationary-source noise, 45 dB L_{eq}, and/or result in a substantial increase (i.e., 3 dB) in ambient noise levels at affected off-site sensitive receptors. The nearest noise-sensitive receptor in the project vicinity is a single-family residence located approximately 750 feet from the reentry facility. The same residence is located 1,150 from the CAL FIRE facility. This residence is located within the City's 1,200-foot range of concern for nighttime stationary noise sources. Therefore, noise levels attributed to emergency back-up or preventative maintenance and testing operations could exceed *City of El Paso de Robles General Plan* stationary-source noise level criteria at nearby sensitive receptors.

Operation of emergency electrical generators located at proposed facilities could exceed stationary noise source criteria without additional shielding. As a result, this impact would be **potentially significant** (Impact 4.9-3).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce potential effects related to permanent stationary-source generated noise to less-than-significant levels:

To ensure that generator noise does not exceed applicable noise standards at nearby sensitive receptors, CDCR will locate new generators indoors, within an enclosure, or behind noise barriers to ensure a reduction of at least 20 dB outside the shielding, as measured at the property line, relative to normal operations.

Implementation of this mitigation measure would ensure that noise levels from generator operations would be in compliance with applicable noise standards. This impact would be reduced to a **less-than-significant** level.

TRANSPORTATION

Significant Effect: Impact 4.11-1, Impacts on Operations at U.S. 101 Southbound Ramps and SR 46 East Intersection

Under existing conditions, during the a.m. and p.m. peak hours, the U.S. 101 Southbound Ramps and SR 46 East intersection currently operates at an acceptable LOS C. With implementation of the Master Reuse Plan, operations at the intersection would degrade from LOS C to LOS D during the p.m. peak hour.

Implementation of the Master Reuse Plan would result in the unacceptable degradation of intersection operations during the p.m. peak hour at the U.S. 101 Southbound Ramps and SR 46 East intersection, which is below the Caltrans threshold of LOS C. This would be a **significant** impact (Impact 4.11-1).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment. In addition, such changes or alterations are within the responsibility of other public agencies, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels transportation effects:

Upon authorization of the Estrella Facility or reentry facility, CDCR will contribute appropriate schedule-based fees for each respective project through the payment of City of Paso Robles development impact fees to construct a second westbound left-turn lane and third eastbound through lane at the U.S. 101 Southbound Ramp and SR 46 East intersection, a facility within Caltrans jurisdiction, and widen the southbound on-ramp to provide two receiving lanes. CAL FIRE would be responsible for paying their respective fees upon authorization of the project. This improvement would improve operations during the weekday a.m. and p.m. peak hours to LOS B and LOS C, respectively. Adequate right-of-way is available for this improvement and this improvement is currently under construction and will be complete prior to full operation of the Master Reuse Plan. Upon implementation, this impact would be reduced to a **less-than-significant** level.

Significant Effect: Impact 4.11-2, Impacts on Intersection Operations at U.S. 101 Northbound Ramps and SR 46 East Intersection

Under existing conditions, the U.S. 101 Northbound Ramps and SR 46 East intersection currently operates at an acceptable LOS C during the a.m. peak hour but an unacceptable LOS D during the p.m. peak hour. With implementation of the Master Reuse Plan, operations at the intersection would degrade to LOS D under during the a.m. peak hour and would exacerbate unacceptable LOS D conditions during the p.m. peak hour.

Implementation of the Master Reuse Plan would result in the degradation of the U.S. 101 Northbound Ramps and SR 46 East intersection to LOS D during the a.m. peak hour and exacerbation of unacceptable intersection operations during the p.m. peak hour. This would be a **significant** impact (Impact 4.11-2).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment. In addition, such changes or alterations are within the responsibility of other public agencies, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies.

Facts in Support of Finding

Upon authorization of the Estrella Facility or reentry facility, CDCR will contribute appropriate schedule-based fees through payment of City of Paso Robles development impact fees to implement Mitigation Measure 4.11-1, which also includes construction of two additional westbound through lanes at the U.S. 101 Northbound Ramp and SR 46 East intersection. The additional westbound lanes are trap lanes that transition into the westbound left-turn pockets at the US 101/SR 46 East intersection (improvement described in Mitigation Measure 4.11-1). This project is fully funded. This improvement would improve operations to LOS C. CAL FIRE would be responsible for paying their respective fees upon authorization of the project. Adequate right-of-way is available for this improvement and this improvement is currently under construction and will be complete prior to full operation of the Master Reuse Plan. No new significant impacts would occur with implementation of this mitigation measure. Upon implementation, this impact would be reduced to a **less-than-significant** level.

Significant Effect: Impact 4.11-4: Impacts on Intersection Operations at Golden Hill Road and SR 46 East Intersection

Under existing conditions, the Golden Hill Road and SR 46 East intersection operates unacceptably at LOS E during the a.m. peak hour and LOS D during the p.m. peak hour. With implementation of the Master Reuse Plan, unacceptable operation of the Golden Hill Road and SR 46 East intersection would be exacerbated by project traffic (i.e., result in an increase in delay by 5.9-8.4 seconds) during both the a.m. and p.m. peak hours. The intersection would continue to operate at unacceptable LOS E during the a.m. peak hour, and would degrade to LOS E during the p.m. peak hour.

Implementation of the Master Reuse Plan would result in the exacerbation of unacceptable operation conditions at the Golden Hill Road and SR 46 East intersection during the a.m. and p.m. peak hours. This would be a **significant** impact (Impact 4.11-4).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted and recently constructed by the City.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels transportation effects related to *operations at Golden Hill Road and SR 46 East intersection:*

Recently the City completed the construction of the following improvements to widen the Golden Hill Road and SR 46 East intersection to provide:

- two left-turn lanes, one through lane, and one shared through/right-turn lane (northbound);
- two left-turn lanes, one through lane, and one right-turn lane (southbound); and
- two left-turn lanes, two through lanes, and one right-turn lane (eastbound and westbound).

The construction of these improvements would improve operations to LOS C during the a.m. and p.m. peak hours. With this improvement, this impact is reduced to a **less-than-significant** level.

Significant Effect: Impact 4.11-5: Impacts on Intersection Operations at Union Road and SR 46 East Intersection

Under existing conditions, the Union Road and SR 46 East intersection operates unacceptably at LOS D during the a.m. peak hour and LOS E during the p.m. peak hour. With implementation of the Master Reuse Plan, unacceptable operation of the Union Road/SR 46 East intersection would be exacerbated by project traffic during both the a.m. and p.m. peak hours. The intersection would further degrade to LOS E during the a.m. peak hour and LOS F during the p.m. peak hour. The traffic volumes also meet the Manual on Uniform Traffic Control Devices' (MUTCD) peak-hour signal warrant.

Implementation of the Master Reuse Plan would result in the exacerbation and further degradation of unacceptable operating conditions at the Union Road and SR 46 East intersection during the a.m. and p.m. peak hours and the MUTCD peak-hour signal warrant would be met. This would be a **significant** impact (Impact 4.11-5).

Finding

Changes or alterations, which substantially reduce the significant effects to traffic, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the traffic impact is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will substantially reduce significant effects related to intersection operations at Union Road and SR 46 East intersection:

Upon authorization of the Estrella Facility or reentry facility, CDCR will coordinate with Caltrans to pay appropriate schedule-based fees toward the signalization of the Union Road and SR 46 East intersection and the construction of an overcrossing at Huerhuero Creek on the north side of SR 46 East on New Dry Creek Road to extend Union Road to Airport Road. CAL FIRE would be responsible for paying their respective fees upon authorization of the project. With implementation of these improvements, this intersection would operate at LOS D during the a.m. and p.m. peak hour. Operations at this intersection would improve (LOS D), but not to an acceptable level based on Caltrans's standards.

Intersection improvements at Union Road and SR 46 East and the Union Road extension and overcrossing of Huerhuero Creek are identified in the Administrative Draft of SLOCOG's *RTP-PSCS*. This improvement is in the early stages of planning; the next step includes the City pursuing completion of a Project Study Report (PSR).

The Dry Creek Road overcrossing of Huerhuero Creek is included in the City's traffic impact fee program. Payment of the City's development impact fees would partially mitigate the impact at Union

Road and SR 46 East. However, because the at-grade improvements at Union Road and SR 46 East have not yet been finalized by Caltrans (Caltrans is the agency responsible for implementing the improvements), and it is unknown whether the improvements would be in place at the time the Master Reuse Plan would build out, this impact is considered significant and unavoidable.

The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. All of the other alternatives considered would be capable of further reducing this impact, but not to a less-than-significant level given the current unacceptable operating conditions at this intersection and because Caltrans is the agency responsible for implementing the improvements, and it is unknown whether the improvements would be in place at the time of project build out. For the reasons described in Section 1.4, these alternatives are not feasible, and the impact would remain **significant and unavoidable.**

Significant Effect: Impact 4.11-6, Impacts on Intersection Operations at Airport Road and SR 46 East Intersection

Under existing conditions, the Airport Road and SR 46 East intersection operates at an acceptable LOS C during the a.m. peak hour and an unacceptable LOS E during the p.m. peak hour. With implementation of the Master Reuse Plan, operation of the Airport Road and SR 46 East intersection would degrade to LOS F during the a.m. and p.m. peak hours. The intersection also meets the MUTCD peak-hour signal warrant.

Implementation of the Master Reuse Plan would result in the degradation of the Airport Road and SR 46 East intersection to unacceptable operating conditions (LOS F) during the a.m. and p.m. peak hours and the MUTCD peak-hour signal warrant would be met. This would be a **significant** impact (Impact 4.11-6).

Finding

Changes or alterations, which substantially reduce the significant effects to traffic, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the traffic impact is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will substantially reduce significant effects related to intersection operations at Airport Road and SR 46 East intersection:

Caltrans is currently constructing the widening of SR 46 East from Airport Road to the Shandon rest stop provide two travel lanes in each direction. Completion of this improvement is anticipated before the buildout of the Master Reuse Plan. The widening plans include acceleration and deceleration lanes to improve merging maneuvers for left- and right-turning vehicles from the side streets. However, even with these proposed improvements, the side-street movement at Airport Road would operate with increased

vehicular delays compared to existing conditions. With implementation of this improvement, the intersection operations would improve, but not to acceptable levels. The side-street left-turn movement would continue to operate at LOS F during the a.m. and p.m. peak hours.

The only additional potentially feasible mitigation available to improve operations at this intersection would be to widen the southbound approach to accommodate a 150-foot right-turn pocket. This improvement would improve operations at Airport Road and SR 46 East; however, the intersection would continue to operate at LOS F. This improvement is not included in the City's traffic impact fee program, and could require right-of-way acquisition, and slope stabilization on either side of the road. The improvement would require approval by the city of Paso Robles and Caltrans, as well as financial contributions by parties in addition to CDCR; CDCR would pay its fair share for the improvement. It is unknown whether Caltrans would implement this mitigation, and if implemented, whether it would be installed before buildout of the Estrella or reentry facility (whichever comes first). If implemented before buildout of the Estrella or reentry facility, this impact would be reduced to a less-than-significant level. However, for purposes of CEQA, because CDCR does not control the timing of when this mitigation would be implemented, this impact is concluded to remain **significant and unavoidable**.

The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. All of the other alternatives considered would be capable of further reducing this impact, but not necessarily to a less-than-significant level given the current unacceptable operating conditions at this intersection and because Caltrans is the agency responsible for implementing the improvements, and it is unknown whether the improvements would be in place at the time of project build-out or whether widening of the southbound approach at this intersection will be implemented. For the reasons described in Section 1.4, these alternatives are not feasible.

Significant Effect: Impact 4.11-9, Impacts on Operations at Golden Hill Road and Union Road Intersection

Under existing conditions the Golden Hill Road and Union Road intersection operates at an unacceptable LOS F during the a.m. peak hour and LOS C during the p.m. peak hour. With implementation of the Master Reuse Plan, unacceptable operations would be exacerbated by project traffic during the a.m. peak hour. This intersection meets the MUTCD peak-hour signal warrant criteria.

Implementation of the Master Reuse Plan would result in the further exacerbation of unacceptable operating conditions at the Golden Hill Road and Union Road intersection during the a.m. peak hour and the MUTCD peak-hour signal warrant criteria would be met. This would be a **significant** impact (Impact 4.11-9).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment. In addition, such changes or alterations are within the responsibility of another public agency, City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to less-than-significant levels transportation effects related to intersection operations at Golden Hill Road and Union Road intersection:

Upon authorization of the Estrella Facility or reentry facility, CDCR will contribute appropriate schedule-based fees through the payment of City of Paso Robles development impact fees to construct a roundabout at the Golden Hill Road and Union Road intersection with dual lanes in the southbound direction through the roundabout. CAL FIRE would be responsible for paying their respective fees upon authorization of the project. This improvement would improve operations to acceptable LOS. The City is investigating the acquisition of right-of-way for this improvement and this improvement is currently in the design phase and will be completed before full operation of the Master Reuse Plan. No new significant impacts would occur with implementation of this mitigation measure. Upon implementation, this impact would be reduced to a **less-than-significant** level.

Significant Effect: Impact 4.11-13, Site Access Impacts

Implementation of the Master Reuse Plan would add vehicle traffic to the Airport Road and Dry Creek Road intersection, degrading the level of service to LOS F during the p.m. peak hour. The close spacing of the three Dry Creek Road T-intersections creates turning movement conflicts. LOS F represents the operating level of the left-turn movement from westbound Dry Creek Road to southbound Airport Road. Vehicle queues on Airport Road are not expected to spill back between the west leg of Old Dry Creek Road, the east leg of Dry Creek Road, and the west leg of New Dry Creek Road. Therefore no queuing-related impacts would occur on Airport Road. However, queuing would occur on the westbound approach of Dry Creek Road.

Implementation of the Master Reuse Plan would generate vehicular traffic that would cause an operational deficiency according to City standards at the Airport Road and Dry Creek Road intersection. This deficiency would occur on the western approach of Dry Creek Road for vehicles trying to make a left (southbound) turn onto Airport Road. This would be a **significant** impact (Impact 4.11-13).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measures that will reduce to less-than-significant levels transportation effects related to site access:

Option A: Before build out of the Master Reuse Plan, CDCR will fully fund and will construct a center acceleration lane on Airport Road south of the east leg of Dry Creek Road to provide adequate queuing area so that westbound left-turning vehicles could make a two-stage left-turn—i.e., westbound left-turn vehicles could cross the northbound lane when an adequate gap in traffic occurs and then pause in the center acceleration lane before merging into the southbound lane on Airport Road. Adequate right-of-way is available and the improvement could be implemented using the existing width and the striped median between the intersections. No new significant impacts would occur with implementation of this mitigation

measure. With implementation of this improvement, the Airport Road/Old Dry Creek Road intersection would operate at an acceptable LOS C during the a.m. peak hour and LOS D during the p.m. peak hour.

Option B: An alternative to mitigate the site access impact at Airport Road/Dry Creek Road intersection would be to stagger the administrative shifts at the Estrella and Reentry facilities so that vehicles arrive/depart during different times during the peak period. If the reentry facility's administrative staff shift ended at 4 p.m., while the Estrella staff ended at 5 p.m., the intersection of Airport Road/Dry Creek Road would operate at acceptable levels during the a.m. and p.m. peak hours, based on the City's thresholds.

Option C: Another design option would be to provide access to the southern portion of the site from New Dry Creek Road through the planned Winery Row *Paso* to the western property boundary. Two potential alignments are under consideration. One alignment involves extending the existing service driveway south to provide a connection between New Dry Creek Road and Old Dry Creek Road. The second would extend Old Dry Creek Road west toward Huerhuero Creek, and connect directly with New Dry Creek Road. Either of these alternatives would remove the traffic generated by the Estrella Facility from the Airport Road and Old Dry Creek Road intersection, improving its operations to LOS D or better during the a.m. and p.m. peak hours, which are acceptable levels based on the City's LOS thresholds. The Airport Road and New Dry Creek Road intersection would also operate at acceptable levels during the a.m. and p.m. peak hours. Implementation of this alternative would result in additional construction and paving to connect Old and New Dry Creek Roads. In general, these impacts would be limited to biological resources, cultural resources, air quality and noise similar to the impacts identified in the DEIR. No new significant environmental impacts would occur with implementation of this mitigation. However, this option would require the purchase of property in order to secure access, which may not be feasible.

Implementation of any the above mitigation options A, B, or C would reduce the project's impacts to a **less-than-significant** level and would result in acceptable operations of the Airport Road and Old and New Dry Creek Road intersections. CDCR finds that, of these three options, Option A is preferred. Option C would require the purchase of additional property, which may or may not be feasible, and that certainly will be more expensive and time-consuming than the other options. Option B would require shift changes for personnel at the Estrella and Reentry facilities. Given the many demands on staff at these facilities, there would be an additional burden on staff associated with the selection of this option. Option A would require CDCR to construct a center acceleration lane but would not require the purchase of additional property or the dislocation of staffing. For these reasons, CDCR adopts Option A.

Potentially Significant Effect: Impact 4.11-17, Construction-Related Traffic Impacts

Construction activity associated with the Master Reuse Plan could affect parking conditions near and on the CDCR property. During the construction phases, traffic generated by the Master Reuse Plan would be attributable to trucks and construction workers' trips to and from the site. The following provides the construction schedule for each component:

- The Estrella Facility construction is anticipated to begin in mid-2011 and end by the end of 2012.
- The CAL FIRE component is anticipated to begin in early 2011 and end by early 2013.
- The reentry facility construction is anticipated to begin in early 2011 and end in mid-2013.

Security protocols, tool controls, and access requirements would be established and implemented to frame the operations of construction activities. During construction, the estimated peak level of construction workers on-site at any given time would be 375 (a maximum of 200 workers for the Estrella Facility

component, 50 workers for the CAL FIRE Conservation Camp component, and 125 workers for the reentry facility component). Construction shifts would generally be between 6 a.m. and 4 p.m.; however, noise-generating construction activities would occur between the hours of 7 a.m. and 7 p.m. Monday through Friday. The number of construction vehicles accessing the site was estimated to be 20 trucks per day.

These trips, when added to the local roadway network, could result in many of the same traffic impacts described for the Master Reuse Plan. Without mitigation recommended above for project-related traffic impacts, construction-related traffic could result in significant interim traffic impacts on local roadways. One mitigation measure recommended for specific traffic impacts identified above has been implemented or would be implemented before peak construction activities at the CDCR property: Mitigation at Golden Hill Road and SR 46 East intersection (Mitigation Measure 4.11-4). If this improvement were to be implemented, then traffic impacts associated with these measures would be improved. However, because the specific timing and phasing of construction is not known at this time, for purposes of CEQA, the Master Reuse Plan construction-related traffic impacts would be potentially significant.

With implementation of the Master Reuse Plan, construction traffic could result in significant interim traffic impact on local roadways. Therefore, this impact would be **potentially significant** (Impact 4.11-17).

Finding

Changes or alterations, which substantially reduce the significant effects to traffic, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the traffic impact is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will substantially reduce significant effects related to construction traffic:

The project's construction impacts would occur on an interim basis during the 28-month construction period. Construction of some of the recommended mitigation measures (i.e., those that are currently under construction by the City or Caltrans, and the construction of a southbound right-turn pocket at Airport Road and SR 46 East identified in Mitigation Measure 4.11-6) before project construction begins in January 2011 would mitigate the project's construction impacts to a less-than-significant level. However, implementation of many of the intersection improvements is not guaranteed, as they are under City of Paso Robles or Caltrans jurisdiction. Therefore, the project's construction impacts would remain **significant and unavoidable** on an interim basis during construction.

The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. All of the other alternatives considered would be capable of further reducing this impact. For the reasons described in Section 1.4, these alternatives are not feasible.

However, as discussed above, implementation of many of the intersection improvements is not guaranteed, as they are under City of Paso Robles' or Caltrans' jurisdiction.

Cumulative Intersection Effects

Significant Cumulative Effect: Impact 4.11-18, Cumulative Impacts on Operation at the U.S. 101 Southbound Ramps and SR 46 East Intersection

Under cumulative no project conditions, the U.S. 101 Southbound Ramps and SR 46 East intersection operates unacceptably at LOS D during the p.m. peak hour. With implementation of the Master Reuse Plan, unacceptable intersection operations would be exacerbated and this intersection would continue to operate at LOS D during the p.m. peak hour.

With implementation of the Master Reuse Plan, project traffic would exacerbate unacceptable LOS D operations at the U.S. 101 Southbound Ramps and SR 46 East intersection during the p.m. peak hour. This would be a **significant** cumulative impact and the project's contribution would be cumulatively considerable (Impact 4.11-18).

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effect on the intersection, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of other public agencies, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to the intersection is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

Project-level mitigation was identified at the U.S. 101 Southbound Ramps and SR 46 East intersection (see Impact 4.11-1). No additional improvements consistent with the vision of corridor, as described in SLOCOG's Administrative Draft *RTP-PSCS* and the 2009 Caltrans SR 46 East *Comprehensive Corridor Study*, are considered feasible at this intersection. No other feasible mitigation is available. This intersection would operate unacceptably under cumulative plus project conditions. This would be a significant and unavoidable cumulative impact and the project's contribution would be considerable.

The only alternative capable of reducing or eliminating this impact is the no project alternative, under which the project would not be constructed. The two reduced development alternatives would reduce this impact. However, for the reasons described in Section 1.4, these alternatives are not feasible. Therefore, this impact would remain cumulatively **significant and unavoidable** impact and the project's contribution would be considerable.

Significant Cumulative Effect: Impact 4.11-19, Cumulative Impacts on Operations at U.S. 101 Northbound Ramps and SR 46 East Intersection

Under cumulative no project conditions, the U.S. 101 Northbound Ramps and SR 46 East intersection would operate unacceptably at LOS E during the a.m. and p.m. peak hours. With implementation of the Master Reuse Plan, unacceptable intersection operations would degrade and this intersection would operate at LOS F during the a.m. and p.m. peak hours.

With implementation of the Master Reuse Plan, cumulative traffic would cause the U.S. 101 Southbound Ramps and SR 46 East intersection to operate at LOS F during the a.m. and p.m. peak hours. This would be a **significant** cumulative impact and the project's contribution would be cumulatively considerable (Impact 4.11-19).

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effect on the intersection, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to the intersection is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

Project-level mitigation was identified at the U.S. 101 Northbound Ramps and SR 46 East intersection (see Impact 4.11-2). No additional improvements consistent with the vision of corridor, as described in SLOCOG's Administrative Draft RTP-PSCS and the 2009 Caltrans SR 46 East Comprehensive Corridor Study, are considered feasible at this intersection. This intersection would operate unacceptably under cumulative plus project conditions. This would be a significant and unavoidable cumulative impact and the project's contribution would be considerable.

As described above, CDCR has adopted project-level mitigation for this intersection (i.e. Mitigation Measure 4.11-2 of the EIR) which will reduce this impact to less-than-significant level. No other feasible mitigation is available. The only alternative capable of reducing or eliminating this impact is the no project alternative, under which the project would not be constructed. The two reduced development alternatives would reduce this impact. However, for the reasons described in Section 1.4, these alternatives are not feasible. Therefore, this impact would remain a cumulatively **significant and unavoidable** impact and the project's contribution would be considerable.

Significant Cumulative Effect: **Impact 4.11-21, Cumulative Impacts on Operations at Golden Hill Road and SR 46 East Intersection**

Under cumulative no project conditions, the Golden Hill Road and SR 46 East intersection would operate unacceptably at LOS D during the a.m. and p.m. peak hours. With implementation of the Master Reuse

Plan, unacceptable intersection operations would be exacerbated during the a.m. peak hour and would degrade to LOS E during the p.m. peak hour.

This would be a **significant** cumulative impact and the project's contribution would be cumulatively considerable (Impact 4.11-21).

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effect on the intersection, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to the intersection is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

Project-level mitigation was identified at the Golden Hill Road and SR 46 East intersection (see Impact 4.11-4). No additional improvements consistent with the vision of corridor, as described in SLOCOG's Administrative Draft RTP-PSCS and the 2009 Caltrans SR 46 East Comprehensive Corridor Study, are considered feasible at this intersection. This intersection under cumulative plus project conditions would operate unacceptably under cumulative plus project conditions. This would be a significant and unavoidable cumulative impact and the project's contribution would be considerable.
As described above, CDCR has adopted project-level mitigation for this intersection (i.e. Mitigation Measure 4.11-4 of the EIR) which will reduce this impact to less-than-significant level. No other feasible mitigation is available. The only alternative capable of reducing or eliminating this impact is the no project alternative, under which the project would not be constructed. The two reduced development alternatives would reduce this impact. However, for the reasons described in Section 1.4, these alternatives are not feasible. Therefore, this impact would remain **cumulatively significant and unavoidable** impact and the project's contribution would be considerable.

Significant Cumulative Effect: Impact 4.11-22, Cumulative Impacts on Operation at Union Road and SR 46 East

Under cumulative no project conditions, the Union Road and SR 46 East intersection would operate unacceptably at LOS F during the a.m. and p.m. peak hours. With implementation of the Master Reuse Plan, unacceptable intersection operations would be exacerbated during the a.m. and p.m. peak hours.

With implementation of the Master Reuse Plan, project traffic would exacerbate unacceptable LOS F operations during the a.m. and p.m. peak hours at the Union Road and SR 46 East intersection. This would be a **significant** cumulative impact and the project's contribution would be cumulatively considerable (Impact 4.11-22).

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effect on the intersection, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to the intersection is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce significant effects related to cumulative impacts on operations at Union Road and SR 46 East:

CDCR will implement Mitigation Measure 4.11-5 above, which identifies payment of fees towards signalization of Union Road and SR 46 East and construction of an overcrossing at Huerhuero Creek on the north side of SR 46 East on New Dry Creek Road to extend Union Road to Airport Road. With these improvements, the intersection would operate at LOS D during the a.m. and p.m. peak hours. The Dry Creek Road overcrossing of Huerhuero Creek is included in the City's traffic impact fee program. Payment of the City's development impact fees would partially mitigate the impact at Union Road and SR 46 East. However, because the at-grade improvements at Union Road and SR 46 East have not yet been finalized by Caltrans, Caltrans is the agency responsible for implementing the improvements and it is unknown whether the improvements would be in place at the time the Master Reuse Plan would build out, this impact is considered significant and unavoidable.

As described above, CDCR has adopted project-level mitigation for this intersection (i.e. Mitigation Measure 4.11-5 of the EIR) which will reduce this impact to less-than-significant level. It is expected that cumulative projects would implement similar traffic mitigation measures on a project-by-project basis. Although, implementation of project and region-wide mitigation measures would reduce the project's contribution to traffic impacts, the project would contribute to the continued exceedance of acceptable operation levels and implementation of improvements at this intersection have not yet been finalized by Caltrans, the agency responsible for implementing the improvements, and it is unknown whether the improvements would be in place at the time the Master Reuse Plan would build out. . No other feasible mitigation is available. The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. For the reasons described in Section 1.4, these alternatives are not feasible. Therefore, this impact would remain cumulatively **significant and unavoidable** impact and the project's contribution would be considerable.

Significant Cumulative Effect: Impact 4.11-23, Cumulative Impacts on Operations at Airport Road and SR 46 East Intersection

Under cumulative no project conditions, the Airport Road and SR 46 East intersection would operate unacceptably at LOS F during the a.m. and p.m. peak hours. With implementation of the Master Reuse Plan, unacceptable intersection operations would be exacerbated during the a.m. and p.m. peak hours.

This would be a **significant** cumulative impact and the project's contribution would be cumulatively considerable (Impact 4.11-23).

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effect on the intersection, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to the intersection is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

CDCR will implement Mitigation Measure 4.11-5, 4.11-6, and 4.11-22 above. With these improvements, the intersection at Airport Road and SR 46 East would be restricted to right-turns in and out only (full access through a traffic signal at Union Road and SR 46 East). Because these improvements have not been planned for by Caltrans (Caltrans is the agency responsible for implementing the improvements), and it is unknown whether improvements would be in place at the time the Master Reuse Plan would build out, this impact is considered cumulatively significant and unavoidable and the project's contribution would be considerable.

As described above, CDCR has adopted all feasible project mitigation measures that will reduce this impact (i.e. Mitigation Measure 4.11-5, 4.11-6, and 4.11-22). No other feasible mitigation is available. The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. For the reasons described in Section 1.4, these alternatives are not feasible. Therefore, this impact would remain cumulatively **significant and unavoidable** impact and the project's contribution would be considerable.

Significant Cumulative Effect: **Impact 4.11-26, Cumulative Impacts on Operations at Golden Hill Road and Union Road Intersection**

Under cumulative no project conditions, the Golden Hill Road and Union Road intersection would operate at acceptable LOS C during the a.m. peak hour and LOS D during the p.m. peak hour. With implementation of the Master Reuse Plan, the intersection would continue to operate at LOS C during the a.m. peak hour and LOS E during the p.m. peak hour.

With implementation of the Master Reuse Plan, the Golden Hill Road and Union Road intersection would degrade to LOS E during the p.m. peak hour. This would be a **significant** cumulative impact and the project's contribution would be cumulatively considerable (Impact 4.11-26).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant cumulative effects on the environment. In addition, such changes or alterations are within the responsibility of another public agency, City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by this agency or can and should be adopted by agency.

Facts in Support of Finding

Upon authorization of the Estrella Facility or reentry facility, CDCR will contribute appropriate schedule-based fees through the payment of City of Paso Robles development impact fees to construct a roundabout at the Golden Hill Road and Union Road intersection with dual lanes in the southbound direction through the roundabout. CAL FIRE would be responsible for paying their respective fees upon authorization of the project. This capacity enhancement would improve operations to an acceptable LOS. The City is investigating the acquisition of required right-of-way and this improvement is currently in the design phase and will be completed before full operation of the Master Reuse Plan. Upon implementation, this impact would be reduced to a **less-than-significant** level, and the project's contribution would be less-than-considerable.

Significant Cumulative Effect: Impact 4.11-27, Cumulative Impacts on Roadway Segments

Under cumulative no project conditions, the SR 46 East segment between U.S. 101 and Buena Vista Drive and the SR 46 East segment between Union Road and Airport Road would operate unacceptably at LOS F. All other study area roadway segments would operate acceptably. Implementation of the Master Reuse Plan would exacerbate unacceptable operating conditions at the SR 46 East segment between U.S. 101 and Buena Vista Drive and the SR 46 East segment between Union Road and Airport Road. All other study area roadway segments would operate acceptably with implementation of the Master Reuse Plan.

Implementation of the Master Reuse Plan would further exacerbate unacceptable operating conditions on the SR 46 East segments between U.S. 101 and Buena Vista Drive and between Union Road and Airport Road. This would be a **significant** cumulative impact, and the project's contribution would be cumulatively considerable (Impact 4.11-27).

Finding

Changes or alterations, which substantially reduce but do not completely avoid the cumulatively significant effect on the roadway segments, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, Caltrans and the City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the cumulative impact to the roadway segments is considered significant and unavoidable.

Please see additional information regarding significant and unavoidable impacts contained in the statement of overriding conditions included as Section 2 of this document.

Facts in Support of Finding

The typical mitigation identified to reduce impacts along the SR 46 East segment, between US 101 and Buena Vista Drive and the segment between Union Road and Airport Road would be to widen SR 46 to six lanes (instead of four lanes), or upgrade the roadway to a four-lane limited access freeway. These improvements are not consistent with the vision of the corridor as defined in the Administrative Draft of SLOCOG's *RTP-PSCS* and Caltrans' *Comprehensive Corridor Study*. At this time there are no known feasible improvements that can be implemented that fit the vision of the corridor. Therefore, this impact would remain cumulatively significant and unavoidable and the project's contribution would be considerable.

There are currently no known feasible improvements that can be implemented that fit the vision of the corridor. The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. All of the other alternatives considered would be capable of further reducing this impact, but not necessarily to a less-than-significant level because they would exacerbate existing unacceptable operating conditions at the SR 46 East segment between U.S. 101 and Buena Vista Drive and the SR 46 East segment between Union Road and Airport Road and currently there are no known feasible improvements that can be implemented that fit the vision of the corridor. For the reasons described in Section 1.4, these alternatives are not feasible. Therefore, this impact would remain cumulatively **significant and unavoidable** impact and the project's contribution would be considerable.

Significant Cumulative Effect: Impact 4.11-28, Cumulative Site Access Impacts

Implementation of Master Reuse Plan would add vehicle traffic to the intersection of Airport Road and Dry Creek Road. The intersection would continue to operate at acceptable levels during the a.m. peak hour; however, the operations of the intersection would degrade to LOS F during the p.m. peak hour. Based on the proposed site access plan for the CDCR property, vehicle queues on Airport Road would not spill back between the west leg of Old Dry Creek Road, the east leg of Dry Creek Road, and the west leg of New Dry Creek Road. Further, no conflicts would occur at the northern site access location with the proposed improvements.

Implementation of Master Reuse Plan would generate vehicular traffic that would cause an operational deficiency according to City standards at the Airport Road and Dry Creek Road intersection. This deficiency would occur on the western approach of Dry Creek Road for vehicles trying to make a left (southbound) turn onto Airport Road during the p.m. peak hour. This would be a **significant** cumulative impact and the project's contribution would be considerable (Impact 4.11-28).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

CDCR has adopted the following mitigation measures that will reduce to less-than-significant levels cumulative site access effects:

Implement design option A and C (combined) or B as described above in Mitigation Measure 4.11-13.

Implementation of Mitigation Measure 4.11-28 would reduce the project's cumulative site access impacts to a **less-than-significant** level and would result in acceptable operations of the Airport Road and Old or New Dry Creek Road intersections.

UTILITIES AND SERVICE SYSTEMS

Significant Effect: Impact 4.12-1, Wastewater Treatment Capacity Impacts

The project would contribute flows that could exacerbate City violation of the Waste Discharge Requirements (WDRs) at its wastewater treatment plant (WWTP), especially related to ammonia. The upgrade to the WWTP is planned to be completed by 2013, around the same time as completion of the project. No additional facilities are needed to serve the project. If the upgrade is not completed, the project would contribute to a **significant impact** related to water quality violations at the WWTP (Impact 4.12-1).

Finding

Changes or alterations, which substantially reduce the significant effects to wastewater treatment capacity, have been incorporated by CDCR into the project. In addition, such changes or alterations are within the responsibility of another public agency, City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by the City or can and should be adopted by the City. While this mitigation measure would substantially reduce the significant effects of the project, the City of Paso Robles still needs to procure rate-based funding to construct and operate the improvements and there is no guarantee that fees will be collected in a manner timely enough to assure the upgrades will be in place by the time the project is operational, even though timely construction is planned. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the impact would continue to be a potentially unavoidable significant short-term impact.

Facts in Support of Finding

CDCR has adopted the following mitigation measures that will reduce effects related to wastewater treatment capacity:

- CDCR will pay sewer connection fees, based on the City of Paso Robles per unit rate in effect at the time of project approval. These fees will be used to help pay the costs of upgrading the wastewater treatment plant.

This measure would assure that CDCR contributes its fair share toward mitigation of this impact. Once the upgrades are constructed, the plant would be expected to meet water quality compliance restrictions. This would mitigate the impact to water quality from the City of Paso Robles, and including the project.

While CDCR's fee payment represents its proportionate contribution to funding mitigation of the water quality compliance issues at the treatment plant, the City of Paso Robles still needs to procure rate-based funding to construct and operate the improvements. Currently, there is no guarantee that fees from other uses will be collected in a manner timely enough to assure the upgrades will be in place by the time the project is operational, even though timely construction is planned. If this were the case, the project would

potentially exacerbate the compliance issues, until such time that the plant upgrades are in place and operational. This would, therefore, be a **potentially significant and unavoidable** short-term impact.

The only alternative capable of reducing or eliminating this impact is the no project alternative, under which the project would not be constructed. The two reduced development alternatives would reduce this impact. However, for the reasons described in Section 1.4, these alternatives are not feasible.

Significant Effect: Impact 4.12-2, Wastewater Collection and Conveyance System Impacts

Two wastewater collection facilities currently serving the CDCR property have been identified by City staff as having potentially limited capacity: the 8-inch sewer line transecting the CDCR property and City Lift Station 12. The capacities of these facilities with respect to project wastewater are discussed below.

8-Inch Sewer Line

Approximately 4,100 feet of 8-inch sewer line runs across the CDCR property from Airport Road to Dry Creek Road and the pipeline has a total capacity of approximately 192 gpm. The 8-inch sewer line currently accepts flows from the adjacent airport and some properties in the area. Currently, a total of 56 gpm of wastewater flows through the line. Therefore, available capacity of the 8-inch line is 136 gpm.

The Master Reuse Plan facilities would utilize the existing 8-inch line. The peak flow generated by the proposed project would be 226 gpm. Therefore, the peak wastewater flows generated by operations under the Master Reuse Plan would exceed the available capacity of the 8-inch sewer line by 90 gpm.

The City has indicated that it has plans to install an 18-inch sewer line in Airport Road. This expanded sewer line would divert all existing airport flows away from the 8-inch line, leaving the full 192-gpm capacity of the new, larger line available for CDCR flows. The environmental impacts associated with construction and operation of this 18-inch line would be limited to air quality (construction-related emissions), construction-related noise, and traffic disruption during construction, which have been analyzed in this DEIR (see Section 4.1, "Air Quality"; Section 4.9, "Noise"; and Section 4.11, "Transportation"). The 18-inch sewer line would not result in any new impacts not analyzed in this DEIR. However, as noted above, even with the full capacity of the 8-inch sewer line available, sewer conveyance capacity would not be adequate to serve the proposed project.

As an alternative to (or in addition to) utilizing the existing 8-inch line, if the 18-inch line is constructed by the City before the proposed project requires a utilities connection, a new sewer line may be constructed across the north side of the CDCR property (Exhibit 4.12-2) to connect one or more of the proposed facilities (reentry, Estrella, or CAL FIRE) to the City's planned 18-inch sewer line in Airport Road. The separate line would be designed to accommodate peak wastewater demand from the proposed project (226 gpm) or the demand from the individual facility to which the line would be connected.

Lift Station 12

According to the *City of El Paso de Robles Sewer System Collection Master Plan*, Lift Station 12 is has a peak- flow capacity of 485 gpm. Although the lift station has a rated capacity of 530 gpm, the 485-gpm flow capacity is based on pump capacity with one pump in reserve.

According to City staff, the 2009 daily wastewater flows entering Lift Station 12 are 0.04 mgd (. Using the City's standard peaking factor of 2.0, peak flows currently entering the lift station are approximately 56 gpm. Therefore, capacity of Lift Station 12 available for new development is approximately 429 gpm.

Implementation of the Master Reuse Plan would generate approximately 226 gpm (Table 4.12-2), which would not exceed the available peak-flow capacity (i.e., 429 gpm) of Lift Station 12. However, cumulative development in the basin served by Lift Station 12 would likely exceed the station's capacity, and the project would contribute to this exceedance.

It is important to note that the City has indicated that approximately 0.012 mgd (12,000 gpd) of the average daily wastewater flows that flow through Lift Station 12 are from the former DJJ and existing CAL FIRE facilities (30% of the total wastewater flow into Lift Station 12). There were no inmates in 2009 and only nine staff positions were assigned to the CDCR site; however, less staff were there on a daily basis. At these flow rates, the nine positions would have generated an average of 1,333 gallons of wastewater per day per person, which is unlikely when an average per-person generation rate is 104 gpd (according to the City's 2003 water quality strategy report). It is possible that these high per-person wastewater rates are the result of groundwater and surface water infiltration into the City's wastewater system. CDCR is consulting with the City on its wastewater calculations and is currently working with the City to resolve the discrepancy. Although the existing wastewater generation rates do not change the conclusions of this analysis with respect to lift station capacity (the flows currently entering the lift station would not change regardless of the source), it does suggest that there may be system inefficiencies that, if appropriately addressed, may increase the available capacity of the lift station.

Implementation of the Master Reuse Plan would not exceed capacity of Lift Station 12, however overall development within the basin served by the lift station may result in exceedance of capacity. The peak wastewater flows generated by the Master Reuse Plan would exceed the capacity of the existing 8-inch sewer line. The impact on the sewer line would be **significant** (Impact 4.12-2).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment. In addition, such changes or alterations are within the responsibility of other public agencies, City of Paso Robles, and not the agency making this finding (CDCR). Such changes have been adopted by these other agencies or can and should be adopted by these other agencies.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to **less-than-significant** levels effects on the sewer line:

- CDCR will include in the final construction plans a combination of water conservation devices and wastewater control devices to limit peak-flow wastewater generation. This will be accomplished by installing a combination of the following devices and measures:
  - electronically-controlled flushometers on inmate toilets in celled housing units, which will limit the number of times a toilet can be flushed per hour;
  - low-flush toilets in all staff and visitor's bathrooms;
  - waterless urinals in all staff and visitor men's bathrooms;
  - low-flow shower heads in all showers;

- low-flow faucets in all bathroom sinks; and
- xeriscape or drought-tolerant landscaping.

- CDCR will monitor its wastewater use over an 18-month period and will pay additional sewer hook-up fees if the average use exceeds 100 gpd per inmate. The fee will be based on the average 18-month generation, if it is above 100 gpd per inmate, calculated based on the City of Paso Robles per unit sewer hook-up rate in effect at the time.

- CDCR will pay appropriate sewer connection fees, based on its overall flow contributions, to upgrades to Lift Station 12. This payment, in combination with fees collected from other development, will allow the City of Paso Robles to upgrade the lift station sufficiently to meet capacity demands.

In addition, CDCR will implement one or both of the following two options:

Option 1: CDCR will upsize the existing 8-inch line to increase the peak-flow capacity by a minimum of 204 gpm (any reduction in this capacity must be based on revised flow calculations prepared by a licensed civil engineer in coordination with the City Public Works Department. The upsizing of the pipeline will require construction offsite, although the offsite pipeline easement is currently unvegetated. The construction of the off-site portion of the upsized pipeline could result in impacts related to biological resources and cultural resources. No new significant environmental impacts would occur that have not been previously evaluated in this DEIR. Implementation of this mitigation measure would reduce this impact to a less-than-significant level because adequate wastewater conveyance capacity would be provided.

Option 2: If the City has completed construction of the 18-inch sewer line in Airport Road, CDCR will connect to the 18-inch line (within the adjacent roadway). Implementation of this mitigation measure would reduce this impact to a less-than-significant level because adequate wastewater conveyance capacity would be provided.

Significant Effect: Impact 4.12-3b-c, Impacts on Water Supplies and Facilities

City staff have indicated that it is the City's stated (but not written) policy to require new water users (not identified in the general plan) to purchase their own surface water rights. For this reason, Option 1 (the preferred option) includes purchase of surface water rights from Lake Nacimiento. Sufficient available supply and entitlement is available to serve the project, but CDCR would need to request and receive an entitlement from San Luis Obispo County, either on its own or through the City of Paso Robles, in order to implement this option. It is feasible and reasonable to expect an entitlement, and no significant impacts to water supply or facilities would result. However, because this option is not assured, CDCR included two additional options (Options 2 and 3) in its EIR, both of which result in significant environmental impacts.

Water Supply Option 2. CDCR Utilizes City of Paso Robles Municipal Water (Including Groundwater)

If CDCR is unable to purchase its own surface water rights, then CDCR would implement Water Supply Option 2. Under this option, the Master Reuse Plan would be connected to the City's water distribution system and would use the City's municipal water supply (including groundwater) to meet projected water supply demands. City staff believes this is only a short-term option. Ultimately, in order to serve the

project, the City would need its supply supplemented with Nacimiento water and treated at the City's planned water treatment plant.

Although the City's 2005 UWMP indicates that sufficient water supplies are available to serve the Master Reuse Plan under Water Supply Option 2, the 2005 UWMP is based on two assumptions that are no longer valid: availability of 8,000 afy of Lake Nacimiento water and use of a sufficient amount of recycled water. City public works staff indicated that, although the City currently has rights to the first 4,000 afy of supplemental Lake Nacimiento water, the City anticipates only requesting an additional 1,400 afy, as opposed to the 4,000 afy evaluated in the UWMP. The 2005 UWMP indicates that if these water sources are not available, the supply would be made up by continued use of groundwater, which would continue the decline of groundwater levels in the Estrella subarea and the larger Paso Robles Groundwater Basin. The additional up to 219 afy of water demand generated by the proposed project was not considered in the UWMP, and therefore would increase the amount of additional Lake Nacimiento water needed to halt local groundwater decline. Although the currently committed 4,000 afy of Nacimiento water would reduce the groundwater decline, because the basin is nearing overdraft conditions and these conditions are projected to exist when the project begins operation, implementation of the Master Reuse Plan could contribute to increased pumping of groundwater in a basin in potential overdraft. This impact would be **significant** (Impact 4.12-3b).

Water Supply Option 3. CDCR Continues Use of On-site Wells

This option would be considered only if purchase of Lake Nacimiento water rights was found to be infeasible and if the City declined CDCR's subsequent request for municipal water (including groundwater). Unlike the previous two options, under Option 3, the Master Reuse Plan would use on-site wells to meet the potable-water demand of the proposed facilities. This may include increasing well depth and capacity, as well as installing on-site water treatment and water quality monitoring mechanisms, among other potential upgrades. Additional storage and on-site distribution facilities may be required. (Note that construction of these on-site upgrades would not result in any new impacts on the environment or increase the severity of impacts identified in the other sections of this EIR because these facilities would be constructed within the developed footprint on the CDCR property.)

Groundwater quality in the subarea is generally good to moderate for municipal use (SLO County 2010a:12). It is anticipated that existing wells would provide water quality that would provide quality drinking after some minor treatment.

The Master Reuse Plan facilities would pump approximately 219 afy from the Estrella Subarea of the water basin. The UWMP states, "at current rates of municipal and agricultural pumping, local groundwater already is subject to chronic declines; if agricultural pumping also increases, a real risk of overdraft exists" (. The *2010 Overview of the Estrella Subarea* indicates that the subarea groundwater levels have been rapidly declining since 1997, as much as 100 feet in some locations (SLO County 2010a:10). While the City has plans to reduce and possibly halt the rate of groundwater decline through the importation of surface water from Lake Nacimiento, further groundwater pumping beyond what is planned for in the 2005 UWMP could lead to the continued decline of groundwater levels in the Estrella Subarea and the larger Paso Robles Groundwater Basin, which is projected to be in potential overdraft by the time the Master Reuse Plan begins operation.

Once the City begins operating the water treatment plant (anticipated for 2013) and processing its currently committed 4,000 afy of Lake Nacimiento water, the local groundwater decline would occur more slowly. However, the additional 219 afy of groundwater pumping could result in further

groundwater level declines within a basin projected to be in overdraft at the time the Master Reuse Plan is operational.

Pumping additional groundwater to serve the Master Reuse Plan would contribute to the current chronic decline of groundwater in the area. Although use of the currently committed 4,000 afy of Nacimiento water would reduce the local groundwater decline by 59%, implementation of the Master Reuse Plan could contribute to increased pumping of groundwater in a basin in potential overdraft. This impact would be **significant** (Impact 4.12-3c).

Finding

CDCR will seek Option 1, purchase of Nacimiento water, and if this purchase is approved, no significant effects would occur. If Options 2 or 3 are necessary (see above) these findings would apply: Changes or alterations, which substantially reduce project water demand associated with groundwater, have been incorporated by CDCR into the project. While these mitigation measures would substantially reduce the significant effects of the project, they would not be sufficient to halt the project's contribution to groundwater demand, in the unlikely event that Option 1 is not approved. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. Therefore, the impact would continue to be a potentially unavoidable significant impact.

Facts in Support of Finding

CDCR has adopted the following mitigation measures that will reduce effects related to project groundwater demand:

Before construction, CDCR will prepare landscape plans consistent with the requirements of the City's water efficient landscape ordinance, except where requirements could adversely affect security or public safety. The City would have no approval authority over the landscape plans, although CDCR intends to consult with the City of design and planting palettes.

Implementation of this mitigation measure would reduce project water demand associated with landscaping. Implementation of Mitigation Measure 4.12-2, which requires installation of flush control and low-flow devices, would further reduce project water demand. However, because it is uncertain whether the City would be able to halt its current contribution to local declines in groundwater levels, any project contribution to this potential cumulative impact would be considered significant, even after reducing water demand to the extent feasible. This impact would remain **significant and unavoidable.** As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact. However, as also described above, CDCR will seek approval of Option 1, which would avoid this impact.

Potentially Significant Effect: Impact 4.12-6, Impacts on Natural Gas Facilities

Because the proposed facilities for the project are in the early planning stages, specific natural gas demand estimates are not known. However, based on similar CDCR facilities in similar climates, a conservative demand factor of 30 cubic feet per hour per inmate bed was used to estimate the projected demands. Therefore, it is conservatively estimated that it would be able to serve the project and no

additional upgrades to existing facilities would be rezoned.[2] The project would connect to existing gas facilities on Airport Road. The project would result in a demand for 48,900 cubic feet per hour of natural gas. Staff of SoCal Gas has indicated that to determine capacity of the gas line required to serve the proposed facilities, a detailed list of the entire project's gas-fired equipment (including size and running time) must be provided. This information is not available at this point in the planning process. Therefore, because the demand generated by the proposed facility is only an estimate and the capacity of the gas line is currently unknown, the project's gas demand volume could exceed the existing pipeline's capacity. This could require upsizing of the existing gas pipeline in Airport Road. It should be noted that upsizing of a pipeline within a paved right-of-way would not likely result in any new significant environmental impacts that have not been evaluated throughout this DEIR.

Implementation of the Master Reuse Plan would increase the demand for gas. Because the proposed project is in the early planning stages, the specific demand generated by the project cannot be determined with certainty, and, SoCal Gas is not available to provide data on the available capacity of their existing gas pipeline in Airport Road. Therefore, the project has the potential to exceed the capacity of this pipeline and a **potentially significant** impact could result (Impact 4.12-6).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that mitigate or avoid the significant effects on the environment. Because the proposed project is in the early planning stages, the specific demand generated by the project cannot be determined with certainty, and, SoCal Gas is not available to provide data on the available capacity of their existing gas pipeline in Airport Road.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce to **less-than-significant** levels potential effects related to gas line capacity:

Before initiating construction, CDCR will provide SoCal Gas with a detailed list of gas-fired equipment to be used during operation. The list will include the size and running time of each piece of equipment. CDCR will coordinate with SoCal Gas regarding the capacity of the existing gas pipeline within Airport Road. If SoCal Gas determines that the existing line has capacity, or that the capacity can be increased by other means (i.e., increasing line pressure), then no further mitigation is necessary. If a larger gas line is determined to be necessary to accommodate the project's gas demand, CDCR will either install the new gas line, or pay appropriate fees to SoCal Gas for installation of a new gas line.

VISUAL RESOURCES

Significant Effect: Impact 4.13-2d through h, Potential to Degrade the Existing Visual Character or Quality of the Site and Its Surroundings

Overall Visual Change: Master Reuse Plan

The EIR examines the visual change of the site from several viewpoints and concludes that most views are substantially similar to the existing views of the site, but that the views from Airport Road

approaching the site from the north (to south) views would be substantially different. When assessed as a whole, however, the visual character of the site would change from a site where buildings generally dominate the viewshed to one where dense security fencing generally dominates the viewshed. The reentry facility would only be visible from Airport Road when approaching the site traveling from north to south. The overall appearance of the site would change from a somewhat generic institutional setting that appears to possibly be correctional from some viewsheds, to a site that is unquestionably a correctional facility. The reentry facility would reinforce the change for viewers traveling from north of the facility to south. The site is along Airport Road, a road designated in the City's general plan as a visual gateway to the city. The combination of denser development, including more dense development with the reentry facility when viewed by travelers driving south on Airport Road, and the visual reinforcement indicating that the site is dedicated to correctional uses, would constitute a substantial change in the visual setting, and the change would be a significant impact.

Overall, the CDCR property would take on the appearance of a more densely developed facility. It would more obviously be a correctional facility, with security fencing dominating much of the viewshed. Given the site's location within a visual gateway to the city of Paso Robles, this impact would be **significant** (Impact 4.13-1d-h).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that reduce the significant effects on visual resources. However, residual impacts would remain significant. The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. The Mitigated Design alternative would reduce this impact. However, for the reasons described in Section 1.4, these alternatives are not feasible. Therefore, the impact would continue to be a potentially unavoidable significant impact.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce visual effects related to visual character or quality:

- Use paint and design elements on the new entrance sign that generally reflect the character of the Paso Robles Inn or the City of El Paso De Robles city limits sign to better reflect the visual character of the city.

- Landscape in and around the entrance sign, enlarged parking lots, planted beds, and in front of the existing administration building.

Some of these design elements have been simulated or are shown for illustrative purposes through representative photographs to determine their relative effect on views of the CDCR property from off-site locations. Exhibit 4.13-10 of the DEIR presents an entrance sign and landscaping mitigation concept for the Master Reuse Plan from the Airport Road (South of Dry Creek Road) viewpoint. This viewpoint was selected because it shows the area of the site that has the fewest security-related restrictions related to mitigated design concepts. As can be seen from the visual simulation, the entrance sign and landscaping add some character that is representative of the city of Paso Robles. CDCR will also consider other representative building design façades representative of Paso Robles (Exhibit 4.13-11 of the DEIR) in the design of entrance facilities. However, the visual change would remain **significant and unavoidable**. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternatives that would reduce or avoid this impact

Significant Effect: Impact 4.13-3, New Source of Substantial Light or Glare That Would Adversely Affect Day or Nighttime Views in the Area

At night, lighting would be primarily associated with the Estrella Facility because it would contain building-mounted lighting and pole-mounted lighting. Some security lighting would also be provided at the CAL FIRE facilities, but this lighting would only consist of building-mounted, low-cast perimeter lighting and would not be substantially different from other nighttime lighting sources in the area (i.e., industrial buildings north of the site, lighting at the Paso Robles Municipal Airport). Lighting sources from reentry buildings (i.e., perimeter wall-mounted lights, no pole-mounted lights) would not be visible from any of the viewpoints on Airport Road because of the intervening buildings. Rather, lighting would contribute to the overall glow that would emanate from the site. No high-mast lighting at the site is proposed. The pole-mounted lighting sources would serve to increase the glow of lighting from the site compared to that shown in the simulated exhibit. Although all lighting sources would be shielded and cast downward consistent with CDCR design standards, when viewed from more distant areas, the lighting associated with the Master Reuse Plan could appear to increase skyglow in the area because the existing site is currently relatively dark.

Implementation of the Master Reuse Plan would substantially alter the areas lit and intensity of lighting on-site. This impact would be **significant** (Impact 4.13-3).

Finding

Changes or alterations have been required in, or incorporated into, the project by CDCR that reduce the significant effects from nighttime lighting. However, residual impacts would remain significant. The only alternative capable of eliminating this impact is the no project alternative, under which the project would not be constructed. However, for the reasons described in Section 1.4, these alternatives are not feasible. Therefore, the impact would continue to be a potentially unavoidable significant impact.

Facts in Support of Finding

CDCR has adopted the following mitigation measure that will reduce effects related to nighttime views:

CDCR considered several design options to reduce potential significant visual impacts. Regarding lighting, CDCR already uses state-of-the-art lighting in all its new facilities. This lighting is designed to cast light only where needed, and to cut off glare to off-site areas. There are no other known measures that CDCR can implement that would provide sufficient lighting to maintain security needs without some of this light being visible off the CDCR property. Therefore, nighttime lighting impacts would remain **significant and unavoidable**. As described in Section 1.4, specific economic, legal, social or other considerations make infeasible the project alternative that would reduce or avoid this impact

1.9 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA Section 21081.6 requires that when a public agency is making the findings required by Section 21081, the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval to mitigate or avoid significant effects on the environment.

Because mitigation measures have been adopted to mitigate or avoid significant environmental effects of the project, a mitigation monitoring and reporting program has been prepared for the proposed project and is adopted along with these findings. The MMRP is attached hereto as Attachment A.

SECTION 2
STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. CDCR proposes to approve the Project despite certain significant unavoidable adverse effects identified in the Paso Robles Property Master Reuse Plan EIR. The entire EIR includes 2 volumes: (1) the Draft EIR, including appendices, and (2) the Final EIR, which includes responses to comments, corrections and revisions to the Draft EIR, and an appendix.

a. Effects of the Project

The EIR identifies significant effects to a number of environmental resources, including air quality, biological resources, cultural resources, paleontological resources, hazardous materials, aircraft hazards, noise, transportation (project and cumulative), wastewater collection and conveyance (project and cumulative), and natural gas facilities. As described above (Section 1.8 and 1.9), mitigation measures are available to reduce each of these effects to a less-than-significant level, and CDCR has adopted such measures.

The EIR also identifies significant and unavoidable effects to a number of environmental resources, including cumulative air quality, contribution to cumulative climate change from greenhouse gas emissions, certain transportation facilities (project and cumulative), groundwater in the event that surface water entitlements cannot be procured (project and cumulative), and visual resources including nighttime views (project and cumulative). As described above (Section 1.8), CDCR has adopted all feasible measures to reduce these significant effects, yet they remain significant after adoption of those measures.

b. Mitigation Measures

The mitigation measures incorporated into the EIR and the MMRP demonstrate a commitment by CDCR to avoid, minimize, and compensate for environmental effects of the Project. The MMRP contains the following categories of mitigation measures. Specific mitigation measures are found in the EIR.

AIR QUALITY

1. Construction Emissions Reduction
2. Operation-Related Emission Reduction
3. Reduction of Construction-Related Toxic Air Contaminants

BIOLOGICAL RESOURCES

4. Native Oak Tree Replacement and Restoration/Maintenance Plan
5. Reduce Impacts on Nesting Raptors and Burrowing Owls
6. Reduce Impacts of the Electrified Fence on Wildlife

CULTURAL RESOURCES

7. Avoid Construction-Related Impacts on Presently Undocumented Cultural Resources
8. Avoid Construction-Related Impacts on Presently Undocumented Human Remains

GEOLOGY AND PALEONTOLOGY

9. Avoid Construction-Related Impacts on Paleontological Resources

HAZARDS AND HAZARDOUS MATERIALS

10. Address Potentially Contaminated Soils and Building Materials Prior to Construction
11. Notify FAA and Paso Robles Municipal Airport Prior to Approval of Final Project Design Plans/Implement Requirements

HYDROLOGY AND WATER QUALITY

12. Complete Final Drainage Plans Prior to Construction-Related Ground Disturbance

NOISE

13. Implement Noise-Reducing Measures during All Noise-Generating Construction Activities
14. Generator Noise Reduction

TRANSPORTATION

15. Contribute Appropriate Schedule-Based Fees for Each Respective Intersection Project, as Each is Authorized, Through the Payment of City of Paso Robles Development Impact Fees
16. Mitigate for Site Access Impacts
17. Mitigate for Construction-Related Traffic Impacts

UTILITIES AND SERVICE SYSTEMS

18. Mitigate Wastewater Treatment Capacity Impacts
19. Wastewater Collection and Conveyance System Impacts
20. Reduce Impacts on Water Supplies and Facilities
21. Reduce Impacts on Natural Gas Facilities

VISUAL RESOURCES

22. Reduce Potential to Degrade the Existing Visual Character or Quality of the Site and Its Surroundings

c. Benefits of the Project

i. Reactivate and Reuse Existing State Facilities

The Project will conserve state funds and environmental resources by reactivating and reusing currently unused state facilities, specifically the former DJJ facility and the CAL FIRE camp. This approach is fiscally and environmentally superior to constructing the Project on undeveloped land or on land that has not been developed for correctional uses and/or fire-fighting uses. The Project will also prevent further deterioration of the unused buildings and facilities at the Project site. Moreover, by redeveloping state-owned land, the Project is sensitive to the interests of local governments because no new property will be transitioned into state ownership, which would reduce local property tax rolls. The reuse and reactivation of unused and underutilized state facilities is an important public benefit.

ii. Reduce Prison Overcrowding and Inmate Recidivism

California's prison system experiences inmate overcrowding and a comparatively high inmate recidivism rate. Accordingly, the State Legislature has directed CDCR to construct new inmate beds in order to reduce overcrowding and to construct reentry facilities to reduce inmate recidivism. The Project will provide up to 1,630 new inmate beds, including a maximum of 230 Level I inmate beds, 900 Level II inmate beds, and 500 reentry facility beds. Moreover, the provision of lower-security Level II inmate beds will be particularly important as the prison inmate population continues to age (similar to the population as a whole), so utilizing the lower-security, dorm-style beds that exist at the former DJJ facility will also help to meet the future needs of California's prison inmate population. Reductions in prison overcrowding also improve security for staff, inmates, and California communities. Reducing prison overcrowding and inmate recidivism are important benefits for the public.

iii. Provide Necessary Inmate Mental Health Care and Medical Care

In a federal class action lawsuit, *Coleman v. Schwarzenegger*, CDCR was ordered by the U.S. District Court to provide additional mental health care services to inmates at California's prisons by 2012. The federal court has ordered that the Estrella facility (a major component of the Project) include a total of 190 *Coleman* mental health care beds, so approximately 20% of the Project's Level II beds will be designated for that purpose. The *Coleman* beds are an integral part of the Project and cannot be delayed. Furthermore, the Project includes new medical care units at the Estrella facility and the reentry facility, in furtherance of the court-approved Turnaround Plan of Action developed by the federal Receiver in a separate federal class action lawsuit, *Plata v. Schwarzenegger*. Providing necessary inmate mental health and medical care services are both important benefits for the public.

iv. Create and Restore Jobs to the Paso Robles Area

In a time of economic recession and high unemployment rates as is currently the case, creating jobs is a critical contribution to local, regional, and state economies. In the short term the Project will create new construction-related jobs to support families in the Paso Robles area. The Project will also restore prison-related jobs that were once provided by the former DJJ facility, and create new jobs, for a total of up to 998 new permanent positions. When the former DJJ facility closed, many trained employees had to look for different jobs in the Paso Robles area or transfer to prison-related jobs in other areas. The Project will provide local job opportunities for those who now commute long distances to work in other correctional facilities. Particularly in the current economic climate, the creation of new jobs is another important public benefit.

v. Contribute to Infrastructure Upgrades and Restore Wildland Firefighting Services

The Project will include substantial financial contributions to fund needed infrastructure upgrades throughout the City of Paso Robles, including contributions for: road improvements and other transportation projects, a new water delivery pipeline to the City, a wastewater pipeline along Airport Road, and wastewater treatment plant upgrades. Furthermore, the Project will restore and expand the regional wildland firefighting services historically provided by CAL FIRE and inmate fire crews. This will support regional wildfire containment and protect people, property, and resources that are potentially exposed to wildland fires. Contributions to needed local infrastructure upgrades, and the restoration and expansion of firefighting services, are both important public benefits.

vi. Conserve and Restore Native Habitat

The Project will provide for the long-term establishment and enhancement of 10 to 15 acres of native habitat, using existing on-site land and inmate conservation crews. Native oak trees will be planted and cared for, encouraging other native biological resources to thrive. Habitat conservation and restoration is an important public benefit.

d. Conclusion

Having reduced the effects of the Project by adopting all feasible mitigation measures, and balanced the benefits of the Project against the Project's potential significant and unavoidable adverse environmental effects, CDCR hereby determines that the specific overriding economic, legal, social, technological, or other benefits of the Project set forth above outweigh the potential unavoidable adverse effects of the Project on the environment. CDCR finds that each of the overriding considerations set forth above constitutes a separate and independent basis for finding that the benefits of the Project outweigh the unavoidable adverse environmental effects, and warrants approval of the Project.

Attachments

A. Mitigation Monitoring and Reporting Program (MMRP)

B. Project Description (Draft EIR Section 3)

C. CDCR's Resolution Certifying Final EIR for the Project (with Receiver's Concurrence)

ATTACHMENT A

Mitigation Monitoring and Reporting Program (MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM

FOR

PASO ROBLES PROPERTY

MASTER REUSE PLAN PROJECT

Prepared by:

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ARB	Air Resources Board
BACT	best available control technologies
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDCR	California Department of Corrections and Rehabilitation
CEQA	State of California Environmental Quality Act
CESA	California Endangered Species Act
CMC-E	California Men's Colony East
CRHR	California Register of Historical Resources
dB	decibels
DFG	Department of Fish and Game
DJJ	Division of Juvenile Justice
DJJ facility	El Paso de Robles Youth Correctional Facility
DPM	diesel-fueled engines
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
ESA	Endangered Species Act
Estrella Facility	Level II Adult Correctional Facility
FAA	Federal Aviation Administration
FARs	Federal Aviation Regulations
gpd	gallons per day
gpm	gallons per minute
HCM	Highway Capacity Manual
lb/day	pounds per day
Master Reuse Plan	Paso Robles Property Master Reuse Plan
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
MMRP	monitoring and reporting program
NAHC	Native American Heritage Commission
NO_X	oxides of nitrogen
PCBs	polychlorinated biphenyls
SLOAPCD	San Luis Obispo Air Pollution Control District
SoCal Gas	Southern California Gas Company
SVP	Society of Vertebrate Paleontology
SWMP	stormwater management plan
ton/qtr	tons per quarter
UST	underground storage tank

SECTION 1
INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies to adopt a mitigation reporting or monitoring program for all projects for which an environmental impact report has been prepared. This is intended to ensure the implementation of all mitigation measures adopted through the CEQA process. Specifically, Section 21081.6(a)(1) of the Public Resources Code requires a lead or responsible agency to "... adopt a reporting or monitoring program for changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment."

The California Department of Corrections and Rehabilitation (CDCR) has adopted this mitigation monitoring plan for the proposed implementation of the Paso Robles Property Master Reuse Plan Project (proposed project). The Master Reuse Plan involves four components within the approximately 160-acre project site located in the City of El Paso de Robles: (1) conversion of the now-closed Division of Juvenile Justice (DJJ) El Paso de Robles Youth Correctional Facility to a Level II Adult Correctional Facility (Estrella Facility), (2) construction of a Secure Community Reentry Facility (reentry facility), (3) reactivation of the existing facility and potentially the construction of a 130-bed stand-alone conservation camp on the grounds of the existing California Department of Forestry and Fire Protection (CAL FIRE) Los Robles Conservation Camp (CAL FIRE facility), and 4) use of the southwestern corner of the CDCR property to provide permanent tree replacement and habitat restoration. The Master Reuse Plan would house a maximum of 1,630 adult inmates if all three of the approved correctional facilities are built and activated.

CDCR is the lead agency for the implementation of the subject master plan. Acting as lead agency the department has certified the Final Environmental Impact Report (EIR) for this project. The Final EIR for the project consists of the following two volumes:

- Draft Environmental Impact Report for the Paso Robles Property Master Reuse Plan, dated August 2010.
- Final Environmental Impact Report for the Paso Robles Property Master Reuse Plan, dated December 2010.

This mitigation monitoring and reporting program (MMRP) includes all mitigation measures recommended in the Draft EIR for all four elements of the master plan.

SECTION 2
PROGRAM MANAGEMENT

The mitigation monitoring and reporting program (MMRP) for the project will be in place through all phases of the project including design, construction, and activation of one or more of the three planned correctional facilities. The California Department of Corrections and Rehabilitation (CDCR) is responsible for implementation of all required mitigation measures and securing regulatory permits. Where necessary, CDCR will also work with responsible agencies to assure implementation of mitigation measures and requirements of regulatory permits within their respective purview. CDCR will maintain adequate staff throughout the design and construction periods to oversee and be responsible for implementation of all mitigation measures and permit conditions. CDCR will also assure that, where appropriate, the staff with responsibility for the activation and operation of each of the three individual facilities understand their obligations to continue the implementation of these measures and permit conditions. CDCR staff assigned the responsibility for implementation of the MMRP will be responsible for ensuring that the following procedures are implemented:

1. An MMRP Reporting Form will be prepared for each potentially significant impact and its corresponding mitigation identified in the attached list of mitigation measures.

2. Appropriate specialists will perform or monitor specific mitigation activities.

3. Mitigation issues will be described as appropriate in applicable construction bid packages.

4. The MMRP Reporting Forms will be distributed to the appropriate parties so that specific actions can be developed to carry out the necessary mitigation. These will be listed in the implementation action items section of the form.

5. Mitigation measures that continue into the operational phase will be incorporated into the Institutional Operational Procedures for the respective individual correctional facilities, which will be reviewed annually for compliance.

6. The CDCR mitigation monitor assignee will approve by signature and date the completion of each item identified on the MMRP Reporting Form.

7. All MMRP Reporting Forms for an impact issue requiring no further monitoring will be signed off as completed by the CDCR assignee at the bottom of the MMRP Reporting Form.

All active and completed MMRP Reporting Forms will be kept on file with the offices of the CDCR Environmental Services Branch. Forms will be available upon request at the following address:

State of California
Department of Corrections and Rehabilitation
Facility Planning, Construction and Management
Facilities Management Division
9838 Old Placerville Road, Suite B
Sacramento, California 95827

Contact: Jane Hershberger, Environmental Planning Section

SECTION 3
MITIGATION MONITORING AND REPORTING PROGRAM PHASES

The mitigation monitoring and reporting program (MMRP) described herein is intended to provide focused yet flexible guidelines for monitoring the implementation of the mitigation measures discussed in the Environmental Impact Report (EIR) and adopted by California Department of Corrections and Rehabilitation (CDCR). Section 4 of this MMRP lists, by number, each mitigation measure adopted for the project. Table 1 correlates each measure by its assigned number to the specific phase of the project (i.e., design, construction and/or operation) to which the measure applies.

3.1 DESIGN PHASE

The design phase includes preparation of engineering design, architectural design, and construction drawings by project design engineers and architects. Bid packages are also compiled for release to prospective construction contractors.

3.2 CONSTRUCTION PHASE

A pre-construction meeting is held with each contractor prior to the initiation of any construction activity for which a mitigation measure is relevant. Construction activities are monitored as often as conditions dictate to ensure that required mitigation measures are implemented. Applicable measures are discussed with construction contractors periodically as needed to facilitate their implementation.

3.3 OPERATIONAL PHASE

Once a facility is activated the authority for implementation of the MMRP and all regulatory permits is transferred to the Warden, Superintendent, or Fire Chief of the respective facility. The operational aspects of the MMRP at this point become part of the Institutional Operational Procedures for the respective facility. The manual is reviewed annually for compliance, and the Warden is bound to the procedures expressed in the manual.

Table 1 Applicable Project Phases for Implementation of Project Mitigation			
Mitigation Measure	**Applicable phase**		
	Design/ Pre-construction	**Construction/ Pre-operation**	**Operation**
1. Construction emissions reduction.	X	X	
2. Operation-related emission reduction	X	X	X
3. Reduction of construction-related toxic air contaminants.	X	X	
4. Native oak tree replacement and restoration/ maintenance plan.	X	X	X
5. Reduce impacts on nesting raptors and burrowing owls	X	X	
6. Reduce impacts of the electrified fence on wildlife.	X	X	X
7. Avoid construction-related impacts on presently undocumented cultural resources.		X	
8. Avoid construction-related impacts on presently undocumented human remains.		X	
9. Avoid construction-related impacts on paleontological resources.	X	X	
10. Address potentially contaminated soils and building materials prior to construction.	X	X	
11. Notify Federal Aviation Administration (FAA) and Paso Robles Municipal Airport prior to approval of final project design plans/implement requirements.	X	X	
12. Complete final drainage plans prior to construction-related ground disturbance.	X		
13. Implement noise-reducing measures during all noise-generating construction activities.		X	
14. Generator noise reduction.	X	X	
15. Contribute appropriate schedule-based fees for mitigation of traffic generated by each respective correctional facility as each is authorized through the payment of City of Paso Robles development impact fees.	X		
16. Mitigate for site access impacts.	X	X	
17. Mitigate for construction-related traffic impacts.	X	X	
18. Mitigate wastewater treatment capacity impacts.	X	X	
19. Wastewater collection and conveyance system impacts.	X	X	X
20. Reduce impacts on water supplies and facilities.	X	X	X
21. Reduce impacts on natural gas facilities.	X		X
22. Reduce potential to degrade the existing visual character or quality of the site and its surroundings.	X	X	

SECTION 4
INVENTORY OF MITIGATION MEASURES

The mitigation measures included in the Final EIR that were adopted as conditions of project approval are listed below. Measures are listed by topical issue in the order in which they appear in the EIR.

Note: Some mitigation measures require the payment of fees or costs for infrastructure to municipal agencies or regulatory agencies. Such measures are denoted with an asterisk (*). Such fees will be paid based on the specific individual project [e.g., conversion of the now-closed Division of Juvenile Justice (DJJ) El Paso de Robles Youth Correctional Facility to a Level II Adult Correctional Facility (Estrella Facility); construction of a Secure Community Reentry Facility (reentry facility); and/or the new California Department of Forestry and Fire Protection (CAL FIRE) conservation camp (CAL FIRE facility)] based on the proportional environmental effects of the respective facilities as provided in the Final EIR. Payment of such fees would only occur once the individual project is authorized and funded by action of the State Public Works Board or through authorization of the annual State Budget Act.

AIR QUALITY

1. Construction Emissions Reduction (Mitigation Measure 4.1-1 of the EIR)

The following San Luis Obispo Air Pollution Control District (SLOAPCD)-recommended standard mitigation measures, best available control technologies (BACT), and off-site mitigation will be implemented by CDCR to reduce construction-related ozone precursor emissions.

Prior to commencement of grading and at least three months before construction activities commence for each of the four project components (Estrella Facility, reentry facility, CAL FIRE facility, Habitat Restoration) or for combinations of components where construction would overlap, CDCR will demonstrate how the construction-generated emissions of diesel-fueled engines (DPM) will be below the significance thresholds of 7 pounds per day (lb/day) and 0.13 tons per quarter (ton/qtr).

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (nontaxed version suitable for use off-road).
- Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.
- Use on-road heavy-duty trucks that meet ARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or oxides of nitrogen [NO_X] exempt area fleets) may be eligible by proving alternative compliance.
- Limit idling of all on and off-road diesel equipment to no more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.

- Prevent diesel idling within 1,000 feet of sensitive receptors.
- Do not located staging and queuing areas within 1,000 feet of sensitive receptors.
- Electrify equipment when feasible.
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
- Use alternatively fueled construction equipment on-site where feasible (e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel).
- Repower equipment with the cleanest engines available.
- Installing California Verified Diesel Emission Control Strategies.
- CDCR will pay into SLOAPCD's off-site NOx mitigation fund to further reduce operational ozone precursor emissions that exceed SLOAPCD's daily threshold of 25 lb/day. The fee will be based on the current rate of $16,400 to reduce 1 ton of NOx. The determination of the final mitigation fee will be conducted in coordination with SLOAPCD. The fee will be paid to SLOAPCD in total before any ground disturbance. *

2. ***Operation-Related Emission Reduction (Mitigation Measure 4.1-2 of the EIR)***

- Implement continuous dust control measures (e.g., watering) in areas where dust emissions are visible; and
- CDCR will pay into SLOAPCD's off-site NO_X mitigation fund to further reduce operational ozone precursor emissions that exceed SLOAPCD's daily threshold of 25 lb/day. The fee will be based on the current rate of $16,400 to reduce 1 ton of NO_X. The determination of the final mitigation fee will be conducted in coordination with SLOAPCD. The fee will be paid to SLOAPCD in total before any ground disturbance.*

3. ***Reduction of Construction-Related Toxic Air Contaminants(Mitigation Measure 4.1-4 of the EIR)***

Prior to commencement of grading and at least three months before construction activities commence, CDCR or its construction contractor will prepare a technical memo demonstrating that the construction-generated emissions of DPM will be below the significance thresholds of 7 lb/day and 0.13 ton/qtr.

BIOLOGICAL RESOURCES

4. ***Native Oak Tree Replacement and Restoration/ Maintenance Plan (Mitigation Measure 4.2-1 of the EIR)***

CDCR will implement the following measures to reduce impacts on native oak trees:

- Replace all native oak trees removed by project construction activity at an quarter inch-for-inch ratio. Replacement trees will be planted in the proposed restoration area (approximately 10 acres in size) in the southwest portion of the CDCR property where suitable soils are present to support the trees. Within the proposed restoration area, an area will be specifically designated as a "native oak restoration zone." CDCR will be responsible for ensuring that uses and activities not consistent with protection of replacement oaks are prohibited within the oak tree restoration area.

- Ensure that a restoration and maintenance plan is prepared by a qualified biologist. At a minimum, the restoration and maintenance plan will include the following information and/or adhere to the following guidelines:

  - A plant palette will specify the number of oaks to be planted, the specific location of the plantings, and sizes of planting containers. The plant palette will also specify any associated native planting. All associated planting and maintenance activities will be consistent with maintaining healthy replacement trees developing oak woodland habitat similar in characteristic to valley oak woodland habitat located in the project vicinity. No ornamental trees and shrubs will be planted in the restoration area.

  - All replacement oak trees will originate from local genetic stock. The size of replacement trees will be selected to ensure long-term restoration success. Container plants will be planted after the onset of fall rains and before the end of January.

  - Before planting begins, the restoration area will be cleared of weedy vegetation that could compete for moisture and sunlight. Weed-free planting circles with 4-foot diameters will be established before the planting of oaks.

  - The restoration plan prepared for the Master Reuse Plan will include provisions for the installation of a temporary irrigation system. Irrigation guidelines and specifications will be developed by a qualified biologist and incorporated into the restoration plan.

  - The restoration plan will include a detailed description of recommended routine maintenance activities for the restoration area. Activities that are allowable and prohibited within the restoration area will be identified.

  - The restoration plan will include a 5-year monitoring plan and describe the information to be collected on an annual basis, including oak health, survival, and growth; evidence of natural oak recruitment; presence of noxious weed species; and detection of animal or insect damage to oaks.

  - The restoration plan will include annual success standards at regular milestones to help determine when the oak trees are established and self-sustaining. The primary success standards will include survival rates of oaks. The plan will include remedial measure that would need to be implemented if the success standards are not met at specified milestones. It is recommended that a minimum 80% survival rate be attained at the end of a 5-year period. The plan will describe remedial measures that will be implemented if the success standards are not met.

5. *Reduce Impacts on Nesting Raptors and Burrowing Owls (Mitigation Measure 4.2-2 of the EIR)*

If trees are removed between September 1 and February 15, then no mitigation will be required to reduce impacts on nesting raptors. If trees are removed between February 16 and August 31, CDCR will implement the following measures to reduce impacts on nesting raptors:

- Retain a qualified biologist to conduct preconstruction surveys for loggerhead shrike and active raptor nests on and within 0.5 mile of the 160-acre project site no more than 14 days and no less than 7 days before tree removal. If no active nests are found, then no further mitigation will be required.

- If active nests are found, ensure that the qualified biologist establishes a buffer around the tree where the active nest is located. No project activity will commence within the buffer area until the qualified biologist confirms that the nest is no longer active or that the young have fully fledged. Monitoring of the nest by a qualified biologist may be required if the activity has potential to adversely affect the nest.

CDCR will implement the following measures to reduce impacts on burrowing owl:

- Retain a qualified biologist to conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 feet of the CDCR property. Surveys will be conducted before project activity and in accordance with Department of Fish and Game (DFG) protocol (DFG 1995).

- If no occupied burrows are found in the survey area, submit a letter report documenting survey methods and findings to DFG, and no further mitigation is necessary. If occupied burrows are found, to the extent feasible, establish a buffer of 165 feet around the occupied burrow during the nonbreeding season (September 1–January 31) or 250 feet during the breeding season (February 1–August 31). The size of the buffer area may be adjusted if a qualified biologist and DFG determine that adjusting the buffer size would not be likely to have adverse effects. No project activity will commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow will be preserved until the breeding season is over.

- If occupied burrows cannot be avoided, conduct on-site passive relocation techniques, approved by DFG, during the nonbreeding season to encourage owls to move to alternative burrows outside of the impact area. No burrows found by the survey to be occupied will be disturbed during the breeding season. After burrowing owls have been confirmed absent or removed from the site, the burrows may be destroyed.

6. *Reduce Impacts of the Electrified Fence on Wildlife(Mitigation Measure 4.2-3 of the EIR)*

Estrella Facility Only: CDCR will initiate coordination with U.S. Fish and Wildlife Service (USFWS) and DFG regarding the proposed project and anticipated wildlife mortality and will take appropriate actions to minimize wildlife electrocutions to the extent feasible and compensate for unavoidable impacts on native wildlife species. It is anticipated that this would be accomplished using the tiered mitigation approach developed as part of the Statewide Electrified Fence Project, which includes the existing lethal electrified fences at California Men's Colony East (CMC-E). Formal consultation with USFWS and DFG and permitting under Endangered Species Act (ESA) and California Endangered Species Act (CESA) is not proposed because no federally listed or state-listed species or candidates for listing are considered at risk of electrocution. CDCR is committed to implementing the three tiers of mitigation outlined below to off-set potential adverse effects to birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code.

- *Tier 1:* The first tier of mitigation measures are those designed to eliminate or reduce wildlife attractants near the prison perimeter by implementing specific maintenance and operation procedures. By making the perimeter less hospitable, wildlife will frequent this area less often, thus reducing their exposure to accidental electrocution. Tier 1 maintenance and operation procedures will be developed specifically for the Estrella Facility and incorporated into a handbook and a training module to be used by CDCR staff when the proposed Estrella Facility becomes operational.

- *Tier 2:* Second-tier mitigation measures consist of both exclusion and deterrent devices. Tier 2 measures to be installed on the proposed lethal electrified fence include a vertical netting system and anti-perching devices. CDCR will install three-quarter-inch mesh vertical netting enveloping both sides of the lower section of the lethal electrified fence, which would otherwise present the greatest danger to wildlife species at risk of electrocution. Anti-perching wires, which consist of 2- to 4-inch pieces of stiff wire connected to an aluminum base, will be strategically attached to the tops of perching sites in and near the perimeter. Once installed, this wire will reduce the ability of birds to perch near the lethal electrified fence, thus reducing exposure to accidental electrocutions.

- *Tier 3:* The third tier includes mitigation to compensate for residual wildlife mortality impacts. CDCR will provide funds for implementation of a habitat enhancement, creation, and/or management project that would improve opportunities for reproductive success of birds likely to be adversely affected by the project. Mechanisms for implementation of the mitigation would be similar to those previously utilized by CDCR for the Statewide and Six Prison Electrified Fence Projects and may include additional funding for a project to which CDCR has already contributed as part of these existing projects. The mitigation could be implemented at federal, state, or private lands located anywhere in California if they support a large percentage of the species at risk of electrocution at the proposed Estrella Facility. The amount of funding contributed would depend on the acreage of habitat that would benefit from the mitigation. The mitigation acreage required would be determined based on the anticipated annual mortality of native birds and the area required supporting an equivalent number of individuals of the species at greatest risk of electrocution.

CULTURAL RESOURCES

7. *Avoid Construction-Related Impacts on Presently Undocumented Cultural Resources (Mitigation Measure 4.3-2 of the EIR)*

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains) is made during construction activities at the Estrella Facility, CAL FIRE facility, and/or reentry facility site, ground disturbances in the area of the find will be halted and a qualified professional archaeologist will be notified regarding the discovery. The archaeologist will determine whether the resource is potentially significant per the California Register of Historical Resources (CRHR) and will develop appropriate mitigation to protect the integrity of the resource and ensure that no additional resources are affected. Mitigation could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

8. *Avoid Construction-Related Impacts on Presently Undocumented Human Remains (Mitigation Measure 4.3-3 of the EIR)*

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, potentially damaging excavation in the area of the burial will be halted and the San Luis Obispo County Coroner and a professional archaeologist will be contacted to determine the nature and extent of the remains. CDCR Project Director shall also be notified immediately. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]).

Following the coroner's findings, the State of California, CDCR contractor, an archaeologist, and the NAHC-designated Most Likely Descendant (MLD) will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code.

The State of California will ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD will have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the

remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall implement one or more of the following measures:

- record the site with the NAHC or the appropriate Information Center,
- utilize an open-space or conservation zoning designation or easement, and/or
- record a document with the county in which the property is located.

The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also reinter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

GEOLOGY AND PALEONTOLOGY

9. Avoid Construction-Related Impacts on Paleontological Resources (Mitigation Measure 4.5-4 of the EIR)

Before the start of grading, excavation, or demolition at the CAL FIRE or reentry facility locations, CDCR will retain a qualified paleontologist or archaeologist to alert all construction personnel involved with earthmoving activities, including the site superintendent, about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered. If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify the CDCR Project Director. CDCR will retain a qualified paleontologist to evaluate the resource and prepare a mitigation plan in accordance with Society of Vertebrate Paleontology (SVP) guidelines (1996). The mitigation plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by CDCR to be necessary and feasible will be implemented before construction activities can resume at the site where the paleontological resources were discovered.

HAZARDS AND HAZARDOUS MATERIALS

10. Address Potentially Contaminated Soils and Building Materials Prior to Construction (Mitigation Measure 4.6-2 of the EIR)

Before any grading, construction, demolition, or renovation activities, CDCR will implement the following measures to address potentially contaminated soils and building materials on the CDCR property:

- Prepare a soil management plan that will include a site health and safety plan and other aspects, which could include but are not limited to a description of the distribution of known and potential soil contaminants, methods of containing contaminated soil, and procedures for the management and disposal of waste soils generated during construction activities. The plan will outline measures that

will be employed to protect construction workers and the public from exposure to hazardous materials during demolition, renovation, and construction activities. The soil management plan will be reviewed and approved by a Certified Industrial Hygienist before the start of earth-moving activities, and implemented by the selected contractor. (Regional Water Quality Control Board [RWQCB], California Department of Toxic Substances Control [DTSC]).

- In the event that contaminated groundwater is encountered during site excavation and construction activities, direct CDCR's contractor to report the contamination to the appropriate regulatory agencies, dewater the excavated area, and treat the contaminated groundwater to remove contaminate before discharge in the sanitary sewer system. Construction shall be halted in the area where the contaminated groundwater is encountered until contamination is removed, or unless otherwise permitted by the RWQCB. The contractor will be required to comply with all applicable federal, state, and local laws and regulations.

- In the event that contaminated soil is encountered during construction, complete soil removal activities in accordance with state and local regulatory requirements. CDCR will contact DTSC to discuss the findings and approach for remediation. Typically, DTSC requires a contractual arrangement (voluntary cleanup agreement) to fund its oversight costs during the removal action. If required by DTSC, CDCR will prepare a work plan for conducting additional investigations and will prepare a remedial action work plan before contaminated soil is excavated. The plan will outline measures for specific handling and reporting procedures for hazardous materials, and disposal of hazardous materials removed from the site at an appropriate off-site disposal facility. The contractor will be required to comply with the plan and applicable federal, state, and local laws and regulations.

- In the event of discovery of an undocumented or previously unknown underground storage tank (UST) or agricultural structure (e.g., wells) on the CDCR property, cease all construction activities adjacent to the UST or structure and contact the City of Paso Robles Department of Emergency Services immediately. Any USTs or agricultural structures discovered during construction will be removed and any contaminated soils will be excavated and treated according to City of Paso Robles Department of Emergency Services procedures before the resumption of construction.

- Before demolition or renovation of any structures, test materials to be removed for the presence of asbestos and lead. Any lead-containing paint and asbestos-containing material encountered will be removed according to federal, state, and local regulations, including appropriate notification, equipment, handling, and disposal. Consistent with the requirements of the SLOAPCD, friable asbestos-containing material will be properly disposed of as asbestos waste in accordance with applicable air quality regulations.

- If loose and peeling paint is encountered during demolition or renovation, conduct sampling and analysis for leachable lead content to characterize the waste. As required by 8 California Code of Regulations (CCR) 1532.1, CDCR will provide monitoring of lead in the air, adaptive work practices, and respiratory protection to avoid exposure to the presence of even very low levels of lead where the lead is loose and peeling.

- Prepare a toxics management plan that will include a site health and safety plan and other aspects, which could include but will not be limited to a description of the distribution of known and potential polychlorinated biphenyls (PCBs), methods of containing PCB-contaminated materials, and procedures for the management and disposal of PCB-related waste generated during construction activities. The plan will outline measures that will be employed to protect construction workers and the public from exposure to PCBs during demolition, renovation, and construction activities. The plan will be reviewed and approved by a Certified Industrial Hygienist before the start of grading,

construction, demolition, or renovation activities, and implemented by the selected contractor. PCBs will be managed in accordance with applicable federal, state, and local laws and regulations.

11. Notify the Federal Aviation Administration (FAA) and Paso Robles Municipal Airport Prior to Approval of Final Project Design Plans/Implement Requirements (Mitigation Measure 4.6-3 of the EIR)

Before approval of final project design plans, CDCR will notify the FAA in accordance with Federal Aviation Regulations (FAR) Part 77, Section 77.17. CDCR will send one executed form set of FAA Form 7460-1, "Notice of Proposed Construction or Alteration" to the FAA regional office having jurisdiction over the project area. CDCR will also refer to the FAA's Obstruction Evaluation/Airport Airspace Analysis Web site for additional information and guidance (https://oeaaa.faa.gov/oeaaa/external/portal.jsp). If the FAA obstruction evaluation determines that any project features constitute a hazard to air navigation, then CDCR will proceed through any required or recommended FAA regulatory approval process, and implement mitigation measures as required by the FAA. The FAA evaluation can result in a determination that a project structure:

- does not require notice to the FAA,
- is not identified as an obstruction under FAR Part 77 criteria,
- is identified as an obstruction but would not be a hazard to air navigation, or
- is identified as an obstruction and would be a hazard to air navigation.

CDCR will notify and periodically update Paso Robles Municipal Airport staff of upcoming and on-going construction activities at the CDCR site.

HYDROLOGY AND WATER QUALITY

12. Complete Final Drainage Plans Prior to Construction-Related Ground Disturbance(Mitigation Measure 4.7-2 of the EIR)

Before any construction-related ground disturbance, final drainage plans will be completed to demonstrate that all runoff would be appropriately conveyed through the CDCR property and would not leave the property at rates exceeding preproject runoff conditions. As part of the final design process, CDCR will coordinate with the City of Paso Robles to ensure that the proposed drainage plans are consistent with local requirements. The plan will include but not be limited to, the following items:

- an accurate calculation of preproject and postproject runoff scenarios, obtained using appropriate engineering methods that accurately evaluate potential changes to runoff, including increased surface runoff;
- a description of the proposed maintenance program for the onsite drainage system;
- installation of a drainage basin to accommodate onsite stormwater flows designed to be consistent with the requirements of the City of Paso Robles Stormwater Management Plan (SWMP) and provide enough storage to accommodate the difference between calculated 10-year storm peak run-off of the existing site and the 100-year storm runoff of the developed site; and
- a description of the project-specific standards for installing drainage systems.

NOISE

13. Implement Noise-Reducing Measures During All Noise-Generating Construction Activities (Mitigation Measure 4.9-1 of the EIR)

CDCR will implement the following noise-reducing measures during all noise-generating construction activities:

- Conduct all noise-generating construction activities between 7 a.m. and 7 p.m., which is consistent with the City of Paso Robles Noise Ordinance.
- Properly maintain construction equipment per manufacturers' specifications and fit equipment with the best available noise suppression devices (e.g., mufflers, silencers, wraps). All impact tools (e.g., jackhammers) will be shrouded or shielded and all intake and exhaust ports on power equipment will be muffled or shielded.
- Do not idle construction equipment for extended periods of time (i.e., more than 5 minutes) in the vicinity of noise-sensitive receptors.
- Locate fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) as far as possible from noise-sensitive receptors.
- Designate a disturbance coordinator, who will post contact information in a conspicuous location near the entrance so that it is clearly visible to nearby receptors most likely to be disturbed. The coordinator will manage any complaints resulting from the construction noise and will contact nearby noise-sensitive receptors, advising them of the construction schedule. If a complaint about construction noise is received more than once by an individual noise-sensitive receptor, CDCR will retain a qualified acoustical consultant to ensure compliance with applicable standards.

14. Generator Noise Reduction (Mitigation Measure 4.9-3 of the EIR)

To ensure that generator noise does not exceed applicable noise standards at nearby sensitive receptors, CDCR will locate new generators indoors, within an enclosure, or behind noise barriers to ensure a reduction of at least 20 decibels (dB) outside the shielding, as measured at the property line, relative to normal operations.

TRANSPORTATION

*15. Contribute Appropriate Schedule-Based Fees For Each Respective Intersection Project, As Each Is Authorized, Through The Payment Of City Of Paso Robles Development Impact Fees *(Mitigation Measure 4.11-1, -2, -4, -5, -6, and -9 of the EIR)*

Upon authorization of the **Estrella Facility and/or Reentry Facility**, CDCR will contribute appropriate schedule-based fees for each component, through the payment of City of Paso Robles development impact fees for each respective project component, as each is authorized. Upon authorization, CAL FIRE will contribute appropriate schedule-based fees for the CAL FIRE facility, through payment of City of Paso Robles development impact fees. The fees will be used for:

a) impacts on operations at U.S. 101 Southbound Ramps and State Route (SR) 46 East Intersection (4.11-1)

b) impacts on intersection operations at U.S. 101 Northbound Ramps and SR 46 East Intersection (4.11-2)

c) impacts on intersection operations at U.S. 101 Northbound Ramps and SR 46 East intersection (4.11-4)

d) impacts on intersection operations at Union Road and SR 46 East intersection (4.11-5)

e) impacts on intersection operations at Airport Road and SR 46 East Intersection (4.11-6)

f) impacts on Operations at Golden Hill Road and Union Road Intersection (4.11-9)

16. Mitigate for Site Access Impacts (Mitigation Measure 4.11-13 of the EIR)

Option A: Before buildout of either the Estrella Facility or the Reentry facility, CDCR will fully fund and will construct a center acceleration lane on Airport Road south of the east leg of Dry Creek Road to provide adequate queuing area so that westbound left-turning vehicles could make a two-stage left-turn—i.e., westbound left-turn vehicles could cross the northbound lane when an adequate gap in traffic occurs and then pause in the center acceleration lane before merging into the southbound lane on Airport Road. Adequate right-of-way is available and the improvement could be implemented using the existing width and the striped median between the intersections.

Option B: An alternative to mitigate the site access impact at Airport Road/Dry Creek Road intersection would be to stagger the administrative shifts at the Estrella and Reentry facilities so that vehicles arrive/depart during different times during the peak period. If the reentry facility's administrative staff shift ended at 4 p.m., while the Estrella staff ended at 5 p.m., the intersection of Airport Road/Dry Creek Road would operate at acceptable levels during the a.m. and p.m. peak hours, based on the City of Paso Robles' thresholds.

Option C: Another design option would be to provide access to the southern portion of the site from New Dry Creek Road through the planned Winery Row *Paso* to the western property boundary. Two potential alignments are under consideration. One alignment involves extending the existing service driveway south to provide a connection between New Dry Creek Road and Old Dry Creek Road. The second would extend Old Dry Creek Road west toward Huerhuero Creek, and connect directly with New Dry Creek Road. These two options are presented in Exhibit 4.11-12 of the Draft EIR.

17. Mitigate for Construction-Related Traffic Impacts (Mitigation Measure 4.11-17 of the EIR)

The project's construction impacts would occur on an interim basis during the 28-month construction period. Construction of some of the recommended mitigation measures (i.e., those that are currently under construction by the City of Paso Robles or California Department of Transportation (Caltrans), and the construction of a southbound right-turn pocket at Airport Road and SR 46 East identified in Mitigation Measure 4.11-6 of the Draft EIR) before project construction begins in January 2011 (or thereafter) would mitigate the project's construction impacts to a less-than-significant level. However, implementation of many of the intersection improvements is not guaranteed, as they are under City of Paso Robles or Caltrans jurisdiction.

UTILITIES AND SERVICE SYSTEMS

*18. Mitigate Wastewater Treatment Capacity Impacts *(Mitigation Measure 4.12-1 of the EIR)*

- CDCR will pay sewer connection fees for each of Estrella and the Reentry facility, as each facility is funded, and CAL FIRE will do the same for the CAL FIRE facility, based on the City of Paso Robles per unit rate in effect at the time of project funding approval.

*19. Wastewater Collection and Conveyance System Impacts *(Mitigation Measure 4.12-2 of the EIR)*

- CDCR will include in the final construction plans a combination of water conservation devices and wastewater control devices to limit peak-flow wastewater generation. This will be accomplished by installing a combination of the following devices and measures:
  - electronically-controlled flushometers on inmate toilets in celled housing units, which will limit the number of times a toilet can be flushed per hour;
  - low-flush toilets in all staff and visitor's bathrooms;
  - waterless urinals in all staff and visitor men's bathrooms;
  - low-flow shower heads in all showers;
  - low-flow faucets in all bathroom sinks; and
  - xeriscape or drought-tolerant landscaping.
- CDCR will monitor its wastewater use over an 18-month period and will pay additional sewer hook-up fees if the average use exceeds 100 gallons per day (gpd) per inmate. The fee will be based on the average 18-month generation, if it is above 100 gpd per inmate, calculated based on the City of Paso Robles per unit sewer hook-up rate in effect at the time.
- CDCR will pay appropriate sewer connection fees, for each of Estrella and the Reentry facility, as each facility is funded, and CAL FIRE will do the same for the CAL FIRE facility, based on its overall flow contributions, to upgrades to Lift Station 12. This payment, in combination with fees collected from other development, will allow the City of Paso Robles to upgrade the lift station sufficiently to meet capacity demands. *

In addition, CDCR will implement one or both of the following two options:

Option 1: CDCR will upsize the existing 8-inch line to increase the peak-flow capacity by a minimum of 204 gallons per minute (gpm) (any reduction in this capacity must be based on revised flow calculations prepared by a licensed civil engineer in coordination with the City of Paso Robles Public Works Department. The upsizing of the pipeline will require construction offsite; although the offsite pipeline easement is currently unvegetated (see Exhibit 4.12-1). The construction of the off-site portion of the upsized pipeline could result in impacts related to biological resources and cultural resources.

Option 2: If the City of Paso Robles has completed construction of the 18-inch sewer line in Airport Road, CDCR will connect to the 18-inch line (within the adjacent roadway).

20. Reduce Impacts on Water Supplies and Facilities (Mitigation Measure 4.12-3b-c of the EIR)

Before construction, CDCR will prepare landscape plans consistent with the requirements of the City of Paso Robles' water efficient landscape ordinance, except where requirements could adversely affect security or public safety. The City of Paso Robles would have no approval authority over the landscape plans, although CDCR intends to consult with the City of Paso Robles on design and planting palettes.

21. Reduce Impacts on Natural Gas Facilities (Mitigation Measure 4.12-6 of the EIR)

Before initiating construction, CDCR will provide Southern California Gas Company (SoCal Gas) with a detailed list of gas-fired equipment to be used during operation. The list will include the size and running time of each piece of equipment. CDCR will coordinate with SoCal Gas regarding the capacity of the existing gas pipeline within Airport Road. If SoCal Gas determines that the existing line has capacity, or that the capacity can be increased by other means (i.e., increasing line pressure), then no further mitigation is necessary. If a larger gas line is determined to be necessary to accommodate the project's gas demand, CDCR will either install the new gas line, or pay appropriate fees to SoCal Gas for installation of a new gas line.

VISUAL RESOURCES

22. Reduce Potential to Degrade the Existing Visual Character or Quality of the Site and Its Surroundings (Mitigation Measure 4.13-2d through h of the EIR)

The following mitigation measures will be implemented by CDCR:

- Use paint and design elements on the new entrance sign that generally reflect the character of the Paso Robles Inn or the City of El Paso De Robles city limits sign to better reflect the visual character of the city.
- Landscape in and around the entrance sign, enlarged parking lots, planted beds, and in front of the existing administration building.

CDCR will also consider other representative building design façades representative of the City of Paso Robles in the design of entrance facilities.

APPENDIX A

MITIGATION MONITORING AND REPORTING PROGRAM REPORTING FORM

California Department of Corrections & Rehabilitation

MITIGATION MONITORING AND REPORTING PROGRAM

REPORTING FORM

PROJECT:

DATE: **MMRP FILE:**

Location:
- ☐ Onsite
- ☐ Offsite (give address/location)

Project Phase:
- ☐ Design
- ☐ Construction
- ☐ Operation

Impact Issue(s):
- ☐ Visual
- ☐ Air Quality
- ☐ Biology
- ☐ Cultural Resources
- ☐ Earth Resources
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology and Water Quality
- ☐ Noise
- ☐ Water Supply
- ☐ Transportation

Description of Activity:

Applicable Mitigation Measures:

Methods of Implementation:

Specialist: _____ _____ _____
Name Discipline Firm

Specialist: _____ _____ _____
Name Discipline Firm

Implementation Action Items:	Scheduled for Completion	Completion Date	Approved by

Disposition:

- ☐ Mitigation measure(s) implemented. No further action required.
- ☐ Mitigation measure(s) partially implemented. Further action required.
  Explain below; attach additional sheets if necessary.
- ☐ Mitigation measure(s) partially implemented. No further action required.
  Explain below; attach additional sheets if necessary.
- ☐ Noncompliance with mitigation measures. Further action required.
  Explain below; attach additional sheets if necessary.
- ☐ Mitigation unnecessary. No further action required.
  Explain below; attach additional sheets if necessary.
- ☐ Verification of environmental compliance for project.

Comments/Revisions: _____

Completed by:
Name _____
Title _____
Date _____

Approved by:
Name _____
Title _____
Date _____

ATTACHMENT B

Project Description (Draft EIR Section 3)

ATTACHMENT C

CDCR's Resolution Certifying Final EIR for the Project (with Receiver's Concurrence)

RESOLUTION OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PASO ROBLES PROPERTY MASTER REUSE PLAN (SCH # 2009101039)

ADOPTED ON DECEMBER 29, 2010

WHEREAS, the California Department of Corrections and Rehabilitation (CDCR) is the lead agency, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) and State CEQA Guidelines (14 California Government Code § 15000 *et seq.*), for the proposed Paso Robles Property Master Reuse Plan (the "Project"), to be located in the City of Paso Robles, California;

WHEREAS, the Project includes four components: 1) conversion of the now-closed Division of Juvenile Justice El Paso de Robles Youth Correctional Facility to a Level II Adult Correctional Facility (Estrella Facility); 2) construction of a Secure Community Reentry Facility; 3) reactivation and subsequent construction of a stand-alone 130-bed CAL FIRE Los Robles Conservation Camp; and 4) use of the southwestern corner of the CDCR property for habitat restoration;

WHEREAS, CDCR has coordinated and cooperated with the Office of the Federal Receiver, and Receiver Mr. J. Clark Kelso, in planning the Project to include necessary medical and mental health care facilities;

WHEREAS, the Project will house a maximum of 1,630 adult inmates and is designed to alleviate overcrowding in California's prison system, reduce inmate recidivism, and reactivate presently unused state facilities;

WHEREAS, on October 8, 2009, CDCR filed a Notice of Preparation of the Environmental Impact Report for the Project, and held two public scoping meetings in Paso Robles on October 21, 2009;

WHEREAS, CDCR released a Draft Environmental Impact Report (DEIR) for the Project on August 16, 2010, and provided a 45-day public review period. On September 20, 2010, CDCR held two public hearings in Paso Robles;

WHEREAS, CDCR received 11 written and oral comments on the DEIR from organizations, individuals, and public agencies;

WHEREAS, on December 7, 2010, CDCR released the Final EIR for the Project (SCH # 2009101039). The Final EIR includes responses to comments on the DEIR, and corrections and revisions to the DEIR, plus an attached technical appendix. The Final EIR incorporates the DEIR by reference; and identifies no new significant information or new significant impacts;

WHEREAS, the Final EIR, including the DEIR, identifies the significant adverse environmental impacts of the Project, identifies feasible mitigation measures to reduce most impacts to a less than significant level, and identifies some impacts that cannot be mitigated to a less than significant level and therefore remain significant and unavoidable; and

WHEREAS, the Secretary has reviewed and considered the information contained in the Final EIR, including the Draft EIR and all supporting documents, including supporting documents contained in the file for this project. All references to the DEIR and Final EIR hereafter shall include all documents contained in the above.

NOW, THEREFORE, BE IT RESOLVED and CERTIFIED by the Secretary that:

1. The Final EIR for the Paso Robles Property Master Reuse Plan complies, and was completed in compliance with, the requirements of CEQA (Cal. Pub. Resources Code section 21000 et seq.) and the State CEQA Guidelines (Cal. Code of Regs. Section 15000 et seq.).

2. The Final EIR was presented to the Secretary of CDCR, and was independently reviewed and considered by the Secretary prior to taking any action to approve or disapprove the Project.

3. The Final EIR reflects the Secretary of CDCR's independent judgment and analysis based on his review of the entirety of the administrative record which provides substantial evidence to support the adoption of this resolution.

4. CDCR Senior Environmental Planner Jane Hershberger, whose office is located at 9838 Old Placerville Road, Suite B, Sacramento, California, 95827, is hereby designated as the custodian of the documents and other materials that constitute the record of proceedings upon which CDCR's decision is based.

ADOPTED this 29 day of December, 2010.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

By: _____
Matthew Cate, Secretary

ATTEST:

By: _____
Chris Meyer, Senior Chief
Facility Planning, Construction, and Management

BE IT RESOLVED that the Receiver, based on his independent review of the Final EIR and his independent judgment and analysis, concurs in certification resolutions 1-3 above.

ADOPTED this 29 day of December, 2010.

PRISON HEALTH CARE RECEIVERSHIP CORPORATION

By _____
J. CLARK KELSO, Receiver